Multiculturalism and Citizenship Canada
Multiculturalisme et Citoyenneté Canada

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Second Report of Canada on Articles 10-15

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SECOND REPORT OF CANADA

Articles 10-15

Human Rights Directorate
Multiculturalism and Citizenship Canada

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FOREWORD

This report was prepared for submission to the United Nations in 1992. It was prepared in close collaboration with the governments of the provinces and territories. The text of the Covenant is annexed to the report for easy reference.

This report is published in Canada as part of an ongoing program of the Human Rights Program of Multiculturalism and Citizenship Canada to increase awareness of human rights issues. The purpose of this publication is to provide Canadians with the opportunity to become better informed of the obligations undertaken by Canada through its ratification of the International Covenant on Economic, Cultural and Social Rights, and to apprise them of the measures taken by the federal, provincial and territorial governments to put it into effect.

Copies of the report, in both official languages, may be obtained from the Communications Branch or the Human Rights Directorate of the Department of Multiculturalism and Citizenship in Ottawa. Copies of previous reports on the same Covenant are also available from the Human Rights Directorate of the Department. All copies are available free of charge.

Department of Multiculturalism and Citizenship
Ottawa

CONTENTS

	Paragraphs	Pages
INTRODUCTION	1 - 6	1
PART I: General measures	7 - 50	2 - 10
PART II: Measures adopted by the Government of Canada and by the governments of the provinces and territories	51 - 204	11 - 37
A. GOVERNMENT OF CANADA	51 - 204	11 - 37
B. GOVERNMENTS OF THE PROVINCES*	205 - 749	38 - 124
1. Newfoundland	205 - 237	38 - 44
2. Prince Edward Island	238 - 265	45 - 49
3. Nova Scotia	266 - 302	50 - 54
4. New Brunswick	303 - 380	55 - 66
5. Québec	381 - 435	67 - 76
6. Ontario	436 - 473	77 - 82
7. Manitoba	474 - 544	83 - 94
8. Saskatchewan	545 - 653	95 - 109
9. Alberta	654 - 693	110 - 116
10. British Columbia	694 - 749	117 - 124
C. GOVERNMENTS OF THE TERRITORIES	750 - 907	125 - 146
1. Yukon	750 - 832	125 - 135
2. Northwest Territories	833 - 907	136 - 146

* Geographical order, from east to west.

INTRODUCTION

1. This report is the second submitted by Canada concerning the implementation of articles 10-15 of the *International Covenant on Economic, Social and Cultural Rights*. The earlier reports dealing with articles 10-12 and 13-15 were submitted in stages, in 1983 and 1985 respectively, in accordance with the program established by the Economic and Social Council.

2. The preparation of reports on the *International Covenant on Economic, Social and Cultural Rights* represents a serious challenge, first because the Covenant deals with numerous questions that are, in a country like Canada, the subject of many legislative, administrative, judicial and other measures; and second because the directives for the preparation of these reports are extremely detailed, unlike those governing the submissions of reports concerning other instruments. This task is particularly difficult in the case of Canada because, in order to assess the extent to which the provisions of the Covenant have been applied, it is necessary to examine the measures adopted by the federal government and by the provincial and territorial governments.

3. Canada is aware of the heavy workload of the committees which have to study the reports and of the Secretariat which must ensure that they are translated, reproduced and distributed. It strives therefore to produce concise reports that comply with the directives and with the committees' demands. This report has been prepared in this spirit of co-operation. Thus, in accordance with the directives issued by the Secretary-General, it will generally contain only information on new measures adopted since the earlier reports on these articles were submitted, for the most part up to the end of 1989.

4. The members of the Committee on Economic, Social and Cultural Rights will no doubt have at their disposal the earlier reports submitted by Canada on articles 10-12 and 13-15 of the Covenant, and they will certainly refer to them for a more comprehensive view of the implementation of these articles in Canada. They may also refer to the reports submitted by Canada on articles 6-9 of the Covenant and those concerning other treaties to which Canada is a party, such as the *International Covenant on Civil and Political Rights*, the *Convention on the Elimination of all Forms of Discrimination against Women* and the *International Convention on the Elimination of all Forms of Racial Discrimination*.

5. Part I of this report will deal with general measures that apply to all governments. Part II will deal with measures adopted by each government since the first reports on these articles were submitted. This part will contain a section on each government prepared by the government in question (the provincial sections will be presented according to the east to west geographical order).

6. Article 14 of the Covenant does not apply to Canada since, at the time of becoming a Party, Canada had already achieved compulsory primary education, free of charge for all. There will therefore be no further discussion of this article in the present report.

PART I: GENERAL MEASURES

A. The Canadian constitutional system

7. Canada is a federal state comprised of ten provinces (Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Québec, Ontario, Manitoba, Saskatchewan, Alberta, British Columbia) and two territories (Yukon and the Northwest Territories).

8. Within the Canadian Confederation, legislative powers are exercised by the Parliament of Canada and the provincial legislatures according to the distribution of powers set forth in the *Constitution Act, 1867*, as amended, and by the territorial legislative assemblies pursuant to delegations of legislative powers by the Parliament of Canada. The distribution of powers with regard to the subject matters covered in articles 10-15 of the Covenant is explained in detail in the general introduction of each of Canada's initial reports on articles 10-12 and 13-15. It is therefore not necessary to describe it again in the present report.

9. Similarly, the protection of rights afforded to Canadians under Canada's Constitution, in the *Canadian Charter of Rights and Freedoms* in particular, was described in these reports and will not be repeated here. Section D below summarizes recent Canadian judicial decisions on the Charter and other relevant legislation which are pertinent to articles 10-15.

B. Implementation of multilateral treaties in a federal state like Canada

10. Members of the various UN expert bodies often wonder how it is possible to ensure equal enjoyment of the rights recognized in the multilateral treaties in a federal State like Canada. Canadians are not strangers to that kind of question. They raise such questions in relation to all areas of provincial, territorial or shared jurisdiction between the various orders of government. Measures to resolve disparities are provided for in Canada's Constitution and through intergovernmental co-operation.

(*a*) Constitutional provisions

11. Canada's Constitution, including the *Canadian Charter of Rights and Freedoms*, applies to all persons in Canada and thus ensures that the rights it guarantees are afforded throughout Canada.

12. Special programs for improving conditions for disadvantaged individuals and groups are permitted under sections 6 and 15 of the Charter. In addition, the *Constitution Act, 1982* commits the government of Canada and the provincial governments to: "(*a*) promoting equal opportunities for the well-being of Canadians; (*b*) furthering economic development to reduce disparity in opportunities; and (*c*) providing essential services of reasonable quality to all Canadians" (section 36).

13. Furthermore, section 36 commits the Parliament and Government of Canada "to the principle of making equalization payments to ensure that provincial governments have

sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation". The federal government can also use its spending powers to support activities which are otherwise the responsibility of provincial governments, in the area of education for example.

b) Federal/provincial/territorial co-operation

14. Joint programs established by agreements between the Government of Canada and those of the provinces and territories ensure the delivery of services to all residents in Canada, for example the welfare assistance provided under the *Canada Assistance Plan*, the health services delivered under the health insurance programs, student loans and so on.

15. Co-operation between governments is also facilitated through continuous consultations at the ministerial and officials levels. Ministerial conferences and intergovernmental committees of officials facilitate co-ordination of legislation and programs and ensure that each government is well aware of the others' programs. In the human rights area, Ministers Responsible for Human Rights and a Continuing Committee of Officials meet regularly to review, among other things, the implementation of Canada's international human rights obligations. There are regular meetings of ministers responsible for such matters as are covered by articles 10-15 of the Covenant. Here is a sample of co-operation activities.

16. With regard to article 10, in June 1983, the Five-Year Federal-Provincial Plan on Nutrition in Health Promotion for Pregnant Women was developed. The objective was to improve and maintain maternal and infant health through nutrition intervention, to decrease the rate of low birth weight and to reduce infant mortality and morbidity rates. In 1987, national guidelines on prenatal nutrition were published as a major product of the Plan.

17. A document entitled *The Pregnant Worker — a Resource Document for Health Professionals* was prepared by the Federal-Provincial Advisory Committee on Environmental and Occupational Health. Released in September 1986, this document is intended to assist health professionals to respond to the needs of pregnant workers.

18. With regard to article 11, as a result of the recession of the early 1980's, the number of beneficiaries of social assistance rose from about 720,000 in 1980 to 1,000,000 in 1984 and was still at that level at the end of 1988. Concerned that without immediate and improved government intervention an ever-increasing number of individuals and families would become trapped in costly and long-term welfare dependency, the Ministers of Social Services reviewed the situation at a federal/provincial/territorial conference held in April 1985 and, in September 1985, formulated an agreement which provided the foundation for "Employment Enhancement Agreements" that were later signed by all the provinces and the Northwest Territories.

19. The goal of this undertaking is to enhance the employability of social assistance recipients in order that they can gain stable employment and cease to be in need of social assistance. Through the program, social assistance recipients are invited to enroll in training or work experience projects as a condition for receiving the assistance. In 1988/89, some 65,000 to 70,000 social assistance recipients participated in this project.

20. From $100 million allocated by the federal government for this project in 1986/87 and in 1987-88, the amount rose to $200 million for each of the following two years and to $300 million for 1990/91. The provincial and territorial governments contribute the same amount. The moneys spent on this project would otherwise be spent on social assistance payments under the *Canada Assistance Plan*. Discussions are under way on the prospects of continuing this project beyond 1991.

21. Annual federal-provincial/territorial housing ministers conferences were resumed in 1984. In addition, deputy ministers of housing meet twice a year and senior housing officials meet several times each year to discuss housing-related issues. In 1986, agreements were signed with all provinces and territories (except one). They set out the terms and conditions for the cost-sharing and delivery of federal social housing programs. The agreements are intended to ensure, through enhanced and ongoing co-operation and joint planning, the most effective use and targeting of available resources.

22. Concerning article 12, co-operation in the area of health care and industrial hygiene is described in the federal part of the report. With regard to the protection of the environment, the following co-operative efforts can be noted.

23. The Government of Canada and the provincial governments have reached agreements on a number of initiatives respecting the preservation and enhancement of the quality of the natural environment. These include the following: five-year forestry agreements with each province in 1984 for a total of approximately 1.1 billion in government funding; the clean-up of the Sydney Tar Ponds chemical dump site at Cape Breton, the Halifax harbour, and Hamilton harbour's Windermere Basin; the Management of the Fraser estuary; the St-Lawrence River Action Plan; clean-up of contaminated sites under the "polluter pays" principle; clean-up of high-risk "orphan" contaminated sites; Flood Damage Reduction Program; Recovery of Nationally Endangered Wildlife Program; implementation of the North American Water Fowl Management Plan through the Eastern Habitat Joint Venture, and the Prairie Habitat Joint Venture.

24. The governments have been actively involved in the Canadian Council of Ministers of the Environment (CCME), the Wildlife Ministers Council of Canada and the Canadian Council of Forestry Ministers. Following a recommendation of the National Task Force on Environment and Economy established by the CCME in October 1986, the Government of Canada created the National Round Table on the Environment and the Economy, a multi-stakeholder forum reporting to the Prime Minister, to act as a catalyst to promote sustainable development attitudes and strategies.

25. In the area of education, the provincial ministers of education have created the Council of Ministers of Education, Canada, which meets regularly to review items of common concern. Although not a member of the Council, the federal government is regularly invited to participate. Through the Council, two federal-provincial agreements were recently reached: one deals with the gathering of education statistics at the national level; the other deals with the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region, which Canada ratified on March 6, 1990.

26. In the area of science and technology, co-operation mechanisms include: collaborative arrangements on programs such as RADARSAT (an international joint program for earth observation by satellite); bilateral and multilateral agreements on specific science and technology initiatives and projects; and, the National Science and Technology Policy under the auspices of the Council of Science and Technology Ministers (involving federal, provincial and territorial ministers).

C. International co-operation

27. Canada co-operates with other countries and with international organizations in the implementation of international instruments as evidenced in this and previous reports.

28. In addition to the initiatives described in the federal part of this report, one of the most significant new measures was the creation in 1989 of the International Centre for Human Rights and Democratic Development with the mandate to initiate, encourage and support co-operation between Canada and other countries in the promotion, development and strengthening of institutions and programs that give effect to the rights and freedoms enshrined in the *International Bill of Human Rights*. In carrying out its mandate, the Centre supports developmental programs and activities for the benefit of developing countries.

D. Canadian judicial decisions concerning the rights recognized by articles 10-15

Introduction

29. International human rights conventions that Canada has ratified do not automatically become part of the domestic law of Canada so as to enable individuals to go to court when they are breached. Nevertheless, cases may arise regarding domestic law that are relevant to the implementation of the rights guaranteed by these conventions. This is particularly the case since the enactment of the *Canadian Charter of Rights and Freedoms* as Part I of the *Constitution Act, 1982*.

30. The Charter enables individuals to challenge laws or practices of federal and provincial governments on the ground that they violate rights guaranteed by the Charter. One very relevant provision in the present context is section 15, which guarantees the right to equality in the law without discrimination on a number of grounds. Section 15 applies to the full range of governmental action. Thus it serves to ensure that the rights enunciated by articles 10-15 of the *International Covenant on Economic Social and Cultural Rights* are guaranteed without discrimination in Canada, as required by article 2(2) of the Covenant. Other relevant provisions of the Charter are the following: section 2(*a*) on freedom of religion, section 2(*b*) on freedom of expression, section 7 on the right to life, liberty and security of the person, section 23 on minority language educational rights and section 29 on separate schools.

31. Furthermore, each jurisdiction in Canada has enacted anti-discrimination legislation, which applies to the private as well as the public sector. It prohibits discrimination on a number of grounds in employment matters and in the provision of goods, services and facilities. Cases may also arise independently of the Charter or anti-discrimination laws which are relevant to the implementation of articles 10-15. Recent cases of these various types —

that is, relating to the Charter, anti-discrimination legislation or other laws — which have a significant bearing on the implementation of articles 10-15 are summarized below.

Article 10

(1) Family and marriage

32. The Supreme Court of Canada has indicated that the list of prohibited grounds of discrimination in section 15 of the *Canadian Charter of Rights and Freedoms* is not exhaustive, and that other distinctions based on analogous grounds are subject to review pursuant to section 15. In particular, in *Law Society of British Columbia v. Andrews*, [1989] 1 S.C.R. 143, the Supreme Court indicated that if distinctions are based on personal characteristics, especially those associated with stereotyping, historical disadvantage or prejudice, then section 15 will come into play.

33. The Supreme Court of Canada has not yet considered any section 15 cases involving distinctions based on marital, family or parental status. There are, however, several lower court cases holding that such grounds of distinction are covered by section 15, including the following:

- In *Symes v. The Queen* [1989] 3 F.C. 59 under appeal, the Federal Court held that a distinction in the *Income Tax Act* treating parents less advantageously than other persons, in that child care expenses, unlike other business expenses, were not fully deductible from income, violated section 15.

- In *MacVicar v. Superintendent Family & Child Services*, (1987) 34 D.L.R. (4th) 488, the British Columbia Supreme Court held that a distinction between natural fathers and other parents regarding consent for adoption violated section 15.

- In *W. v. H*, (1989) 55 D.L.R. (4th) 720, the Saskatchewan Court of Appeal held that a provision of the *Children of Unmarried Parents Act* which resulted in unmarried mothers being treated less advantageously than other parents regarding the recovery of maintenance violated section 15.

(2) Mothers, maternity leave

34. In *Brooks v. Canada Safeway Ltd.*, [1989] 1 S.C.R. 1219, the Supreme Court of Canada held that a group insurance plan which denied pregnant women any leave benefits during the 17-week period around their pregnancy, although other employees were entitled to benefits for loss of pay due to accident or sickness, involved discrimination on the basis of sex contrary to the Manitoba *Human Rights Act*. The Supreme Court stated that pregnancy, although it could not properly be characterized as a sickness or an accident, was a valid health-related reason for absence from the workplace. Therefore the Court concluded that the plan discriminated on the basis of pregnancy when it provided benefits in the one set of circumstances but not the other. Furthermore, it held that discrimination on the basis of pregnancy was tantamount to discrimination on the basis of sex.

35. The *Brooks* case provides a good example of the increasingly progressive approach taken by Canadian courts in this area of the law. In the case of *Bliss v. A.G. Canada*, decided 10 years earlier under the *Canadian Bill of Rights*, the Supreme Court of Canada had concluded that discrimination based on pregnancy did not amount to discrimination based on sex (see page 21 of Canada's first report on articles 10-12 of the Covenant). In the *Brooks* case, the Chief Justice commented as follows on the earlier case:

> I am prepared to say that *Bliss* was wrongly decided or, in any event, that *Bliss* would not be decided now as it was decided then. Combining paid work with motherhood and accommodating the childbearing needs of working women are ever-increasing imperatives. That those who bear children and benefit society as a whole thereby should not be economically or socially disadvantaged seems to bespeak the obvious. It is only women who bear children; no man can become pregnant .... [i]t is unfair to impose all the costs of pregnancy upon one half of the population. It is difficult to conceive that distinctions or discriminations based upon pregnancy could ever be regarded as other than discrimination based on sex ....

36. In *Schachter v. The Queen*, (1988) 3 F.C. 515, the Federal Court relied on several provisions of the *Convention on the Elimination of All Forms of Discrimination against Women* to conclude that "Canadian society is committed to equalizing the role of parents in the care of children as much as possible, for the benefit of the family in general, and in particular for the achievement of greater equality in the workplace for women". The Court then went on to conclude that unemployment insurance benefits should be available to natural fathers who stayed home with newborn children as well as to natural mothers and adoptive parents. The appeal in this case was dismissed by the Federal Court of Appeal ((1990) 66 D.L.R. (4th) 635 (Fed.C.A.)).

(3) Children

37. In *W. v. H*, referred to above, the Saskatchewan Court of Appeal held that the provision in the *Children of Unmarried Parents Act* treating unmarried mothers less advantageously than other persons also resulted in discrimination against their children and, on that basis as well, violated section 15.

38. In *R. v. Brooks*, (1989) 47 C.C.C. (3d) 276, the Alberta Court of Appeal stated that the prohibition against discrimination on the basis of age in section 15 of the Charter did not render invalid legislation designed to protect children. Thus it held that a former provision of the *Criminal Code* rendering it an offence to have sexual intercourse with a female under the age of 14 years was not in violation of the Charter. In *R. v. Hess*, (1990) 59 C.C.C. (3d) 161, the Supreme Court of Canada held that this provision of the *Criminal Code* was valid and did not involve discrimination based on sex contrary to section 15.

39. Several Alberta cases indicate that it is not contrary to the guarantee of freedom of religion in the Charter, nor to the right not to be discriminated against on the basis of religion, for children of Jehovah's Witnesses who are in need of blood transfusions to be taken into the care of the State and provided with such transfusions, despite the religious objections of their

parents (cf. *M.(R.E.D.) v. Director of Child Welfare*, (1987) 1 W.W.R. 327 (Alta. Q.B.); *Re R.K.*, (1987) 79 A.R. 140 (Alta. Prov. Ct. F.D.)).

Article 11: Adequate standard of living

40. In Canada, the provinces have established programs for the payment of social allowances to persons in need. The federal government assists in the funding of these programs through the *Canada Assistance Plan*, which sets certain standards for the provinces to be eligible for this assistance. In *Finlay v. Canada (Minister of Finance)*, (1986) 2 S.C.R. 607, the Supreme Court of Canada held that a provincial resident on social assistance had standing to challenge federal funding of the provincial program on the ground that the standards set in the *Canada Assistance Plan* had not been met.

Article 12(2)(*d*): Access to medical services

41. The decision of the British Columbia Court of Appeal in *Wilson et al. v. Medical Services Commission (B.C.) et al.*, [1989] 2 W.W.R.1, leave to appeal refused (S.C.C., Nov. 3/88), indirectly affects access to medical services. In that case, a requirement that new medical practitioners in British Columbia obtain a practitioner's number from the Medical Services Commission before they could bill the medical services plan for services rendered was challenged on the basis of section 7 of the Charter. Section 7 provides that no one shall be deprived of liberty except in accordance with the principles of fundamental justice. In the view of the Court the mode of granting practitioners' numbers was so unfair as to result in a violation of its terms.

Article 13(1): Right to education

42. In *Re Alberta Human Rights Commission and the Queen*, (1986) 27 D.L.R. (4th) 735, the Alberta Court of Appeal held that it was not contrary to the Alberta *Individual's Rights Protection Act* for an Alberta School Board to provide only partial funding for a student with a learning disability to attend a private school. The *Individual's Rights Protection Act* prohibits *inter alia* discrimination on the basis of a physical characteristic in the supply of services ordinarily available to the public.

Article 13 — (3) and (4): Religious convictions of parents, separate schools

43. There have been two cases where the courts have held that a requirement that public schools conduct religious exercises at the beginning of the school day contravened section 2(*a*) on freedom of religion of the Charter (*Zylberberg v. Sudbury Board of Education*, (1988) 52 D.L.R. (4th) 577 (Ont. C.A.); *Russow and Lambert v. A.G. British Columbia*, [1989] 4 W.W.R. 186 (B.C.S.C.)). In both of these cases the religious exercises that were conducted were Christian in nature, rather than ecumenical, with an exemption available for objecting students. In regard to the exemption, the Ontario Court of Appeal stated that "[t]he peer pressure and the class-room norms to which children are acutely sensitive, in our opinion, are real and pervasive and operate to compel members of religious minorities to conform with majority religious practices".

44. There has also been one case where a requirement that religious instruction be given in the public schools was held to violate section 2(*a*) on freedom of religion of the Charter, again in circumstances where preference was shown for the Christian religion (*Canadian Civil Liberties Association v. Ontario (Min. of Education)*, (1990) 65 D.L.R. (4th) (Ont. C.A.).

45. In *Schmidt v. Calgary Board of Education and Alberta Human Rights Commission*, (1976) 6 W.W.R. 717, the Alberta Court of Appeal held that it was not inconsistent with the Alberta *Individual's Rights Protection Act* to require Roman Catholic parents to pay tuition if they wanted their children to attend a public non-denominational school rather than a publicly funded Roman Catholic separate school. The *Individual's Rights Protection Act* prohibits *inter alia* discrimination on the basis of religious belief with respect to services customarily available to the public.

46. In *Jones v. R.*, [1986] 2 S.C.R. 284, the Supreme Court of Canada held that it was not inconsistent with the *Canadian Charter of Rights and Freedoms* to require a fundamentalist pastor who taught his and other children in a church basement to obtain governmental approval of the educational program. The Court noted, however, that "[c]ertainly a reasonable accommodation would have to be made in dealing with this issue to ensure that provincial interests in the quality of education were met in a way that did not unduly encroach on the religious convictions of the [parents]".

47. In *Reference re Full Funding for Roman Catholic Schools*, [1987] 1 S.C.R. 1148, the Supreme Court of Canada held that a Bill introduced in the Ontario legislature to provide full funding for Roman Catholic schools was a valid exercise of specific provincial powers relating to separate schools granted by section 93 of the *Constitution Act, 1867*. Furthermore, since in the Court's view section 93 represented a fundamental constitutional compromise on the issue of how such schools should be treated in Canada, it concluded that legislation giving effect to this compromise was immune from challenge on the basis of section 15 on equality of the *Canadian Charter of Rights and Freedoms*. The Court also referred to section 29 of the Charter, according to which it is not to be interpreted so as to diminish the powers of denominational schools under section 93 of the *Constitution Act, 1867*.

48. In *Newfoundland Teachers' Association v. Newfoundland*, (1988) 53 D.L.R. (4th) 161, the Newfoundland Court of Appeal held that it was not inconsistent with section 2(*a*) of the Charter on freedom of religion for a Roman Catholic separate school to dismiss a teacher hired as a Roman Catholic and part of whose duties included religious instruction, on the grounds that he joined another denomination and married a member of that church. The Court indicated that such powers pertained to separate schools in 1867, and therefore were protected by section 93 of the *Constitution Act, 1867*. A similar decision was reached by the Ontario Divisional Court in the context of a requirement that teachers in the Roman Catholic separate school system direct their school taxes to that system (*Black v. Board of Education (Separate) of Metropolitan Toronto*, (1988) 29 O.A.C. 121).

49. In *Caldwell v. Stuart*, [1984] 2 S.C.R. 603, the Supreme Court of Canada held that it was not inconsistent with the British Columbia *Human Rights Code* for a Roman Catholic separate school to dismiss a Roman Catholic teacher on the grounds that she had married a divorced man in a civil ceremony contrary to church dogma. The Supreme Court stated that

the requirement of religious conformity by Catholic teachers was reasonably necessary to accomplish the legitimate objective of the school to provide a Roman Catholic education, and was therefore a *bona fide* occupational requirement within the meaning of the Code.

Article 15(3): Freedom of research

50. In *International Fund for Animal Welfare, et al. v. the Queen*, [1989] 1 F.C. 335, the Federal Court of Appeal held that section 2(*b*) on freedom of expression of the *Canadian Charter of Rights and Freedoms* included freedom of access to all information pertinent to the ideas or beliefs sought to be expressed.

PART II: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA AND BY THE PROVINCIAL AND TERRITORIAL GOVERNMENTS

A. GOVERNMENT OF CANADA

Introduction

51. Detailed information on the measures adopted by the Government of Canada to implement the provisions of articles 10-15 of the Covenant was provided in the report on articles 10-12 submitted in 1983 and in the report on articles 13-15 submitted in 1985. The present report will not repeat that information. Only changes and new measures adopted since the submission of those reports will be mentioned here.

Article 10: Protection of the family, mothers and children

A. Protection of the family

(*a*) Family allowances

52. Family allowances, which are provided on a monthly basis to all Canadian families, or guardians, with children under 18, resident in Canada, are now increased each year by a percentage amount equivalent to the rate of increase in the cost of living exceeding three percent. In 1989, the amount paid for each child was $32.74, an increase of 36.6 percent over the amount of $23.96 paid in 1981.

53. Starting with the taxation year 1989, beneficiaries with net income exceeding $50,000 are required to repay the after tax value of family allowances in part or in full. This measure is being phased in over three years with the full amount becoming repayable in 1991 and subsequent years. The $50,000 income threshold is indexed on the same basis as the family allowances.

(*b*) Child care

54. Two child care studies were commissioned by the federal government in the second part of the 1980s decade, one by the Task Force on Child Care which released its report in 1986, the other by the Special Parliamentary Committee on Child Care which released its report in 1987. In 1988, in response to the recommendations of the Parliamentary Committee, the Government created the Child Care Initiatives Fund and amended the *Income Tax Act* with regard to the Child Tax Credit and child care expenses deductions.

55. The Child Care Initiatives Fund is a $100 million contribution program which supports pilot projects, research activities and enhanced information services intended to improve the

quality of child care in Canada. Over its seven-year mandate, it will fund projects dealing with child-care concerns related to the needs of families in unique circumstances or in underserved areas. On a priority basis, the Fund will address the child-care needs of Indian and Inuit families, parents who work shift work or part-time, families from minority cultural backgrounds and from rural communities, and families with children requiring emergency care. During the first two years, 251 projects were funded for a total of $33.7 million.

56. The refundable child tax credit, introduced in 1978 to provide financial assistance to low- and middle-income families with children, has been increased. The maximum credit is $575 per child in 1990, an amount which is reduced by $5 for each $100 of net income in excess of $24,769. In addition, for children under age 7, a supplement was introduced in 1988. The supplement is $203 per child in 1990, which raises the maximum credit to $778 for children under 7. Thus, relative to the $343 credit provided in 1983 for all children, the 1990 maximum credit is 127 percent higher for children under 7 and 68 percent higher for the others.

57. In 1988, the maximum deduction for income tax purposes for child care expenses, which had been raised to $2000 per child under 14 in 1983, was increased to $4000 for children aged 6 and under and children with special needs. The maximum deduction for school-aged children (7-14) remains at $2000 per child. The limit on maximum allowable deductions per family was removed. It had been raised from $4000 to $8000 in 1983.

(*c*) Registered Home Ownership Savings Plan

58. The Registered Home Ownership Savings Plan, which provided income tax deductions for taxpayers including those with dependent children who set aside savings for the purpose of buying a first house, was phased out in 1985. That year, all contributors to the Plan were allowed to withdraw the totality of their savings, whether to buy a house or not, without penalty.

B. Maternity protection

Pre-natal and post-natal protection and assistance

59. A government policy on *Transfer of Pregnant Employees* allows federal employees who are pregnant and work on VDTs, inspect construction sites, work on ships, etc., and are concerned about performing these duties during pregnancy, to request a transfer to a similar position in another area.

Paid maternity leave

60. The maternity leave provisions of the *Canada Labour Code* were amended to provide: a reduction of the qualifying period for entitlement to maternity leave from 12 to six months' employment; the rights for employees to accrue pension, health and disability benefits and seniority while on such maternity leave provided they pay any required monetary contributions; an additional unpaid leave period of 24 weeks, following the 17-week maternity

leave period for child care responsibilities to either parent, natural or adoptive, which can be shared between parents if both are employed in federal undertakings.

61. Changes were also made to the *Unemployment Insurance Act* conditions for maternity benefits. Since January 1, 1984, the rule which required a woman to have been an active member of the labour force at the time of conception has been removed. The 15 weeks during which maternity benefits are payable need no longer be consecutive. Section 46 of the Act, which prevented a pregnant worker who did not qualify for maternity benefits from applying for regular or sickness benefits during the defined maternity period, has been repealed. As a result, a woman who does not qualify for the maternity benefits may nevertheless receive the regular or sickness benefits during the period surrounding the confinement, if she meets the general eligibility requirements. The legislation was also amended to enable an adoptive parent to receive up to 15 weeks of benefits if it can be proven that it is reasonable for him or her to remain at home to care for the child.

62. Within the federal public service, 99.3 percent of all women employed for six months or more are entitled to receive a maternity allowance which, in combination with unemployment insurance maternity benefits, provides 93 percent of salary for up to 17 weeks. Sick leave with pay is available to employees who are unable to work for medical reasons related to pregnancy or childbirth provided the employee is not already on paid leave. One day's paid leave is provided to all parents for needs related to the birth of a child.

Specific measures in favour of working mothers

63. Various measures facilitate the situation of working mothers who are self-employed or participate in a family enterprise. For example, the *Prairie Grain Advance Payments Act* was amended in 1984 to allow husband and wife partnerships to qualify for maximum benefits in the same way as other types of partnerships. Also, since 1982, the Agricultural Stabilization Board has provided price supports for certain commodities to husband-wife partnerships in the same way as other family or non-family partnerships, upon proof of independent support or investment.

Assistance to mothers in the case of their husband's death or absence

64. Amendments to the *Canada Pension Plan*, in effect since January 1, 1987, expand the credit-splitting provisions to separations and the breakdown of common law unions, and provide for automatic pension credit-splitting between spouses upon divorce, pension splitting upon retirement and the continuation of survivor's benefits upon remarriage.

65. Under the new *Divorce Act*, which came into effect June 1, 1986, the sole ground for divorce is marital breakdown which is evidenced by actions of adultery, cruelty or a one-year separation. The Act sets out certain objectives to guide the court in making support awards, which include the recognition of any economic advantages or disadvantages of the marriage or the breakdown, the sharing of any financial consequences of caring for children, the relief of any economic hardship, and, as far as practicable, the promotion of self-sufficiency of each spouse within a reasonable time. Spouses are encouraged to negotiate as many points of

contention as possible. In making custody awards, the paramount consideration is the best interests of the children, with no presumption of custody to either spouse.

66. The *Family Orders and Agreements Enforcement Assistance Act*, which came into force in November 1987, allows access to certain federal information banks to trace missing family members, and the garnishment of specified non-wage federal payments, such as tax refunds, to enforce support orders. Parliament also enacted the *Garnishment, Attachment and Pension Diversion Act*, which makes it possible to garnish the wages and superannuation of federal public servants to enforce court orders including support awards. Federal public servants were previously protected against such procedures.

C. Protection of children and young persons

Activities in respect to child abuse and neglect

67. In 1986, the federal government allocated $25 million in new funds for a five-year Child Sexual Abuse Initiative and appointed a Special Advisor on Child Sexual Abuse to report to the Minister of Health and Welfare. The Special Advisor was given the mandate to prepare a report for the Minister on the long-range direction, implementation and co-ordination, of federal initiatives regarding child sexual abuse. To this end, he conducted extensive consultations with provincial and municipal governments, the private sector and non-governmental organizations. His report, *Reaching for Solutions*, was presented to the Minister in June 1990.

68. *An Act to amend the Criminal Code and the Canada Evidence Act*, with respect to sexual abuse against children, came into force January 1, 1988. Obsolete offenses were removed and three new offenses were created: sexual interference, invitation to sexual touching and sexual exploitation. The rules of evidence were amended to facilitate children's testimony in court.

69. In June 1988, the Government announced a new Family Violence Initiative, comprising a series of immediate measures to address the issue and steps to develop a long-term approach to the problem. Forty million dollars over four years (1988-1992) were allocated to six federal departments to augment current activities and explore new ones. One of the major elements of the Initiative is the provision of up to 500 new shelter units, enabling an additional 25,000 women and children to find shelter. This represents a total increase of up to 45 percent over the number of battered women and their children who were previously provided with emergency shelter.

70. As part of the 1988 Initiative, the federal government initiated formal consultations with provincial and territorial governments, beginning in June 1988, as well as consultations with non-governmental organizations. These consultations continued in 1989 and 1990. They included a two-day meeting with more than 90 non-governmental organizations, a National Workshop on Child Abuse held by the Special Advisor on Child Sexual Abuse and the National Forum on Family Violence which convened 450 participants from the public and private sectors.

71. The *Juvenile Delinquents Act* has been replaced by the *Young Offenders Act*, which came into force on April 2, 1984. The Act provides for a wide range of non-custodial dispositions (e.g. treatment and probation orders) to take into account the special circumstances and needs of young people, the rights and needs of victims of crime and the need to protect society. In addition, a youth court may order open or secure custody of a young offender in a special facility, separate from those designated for adults. "Open custody" refers to custody in institutions such as community residential centres, group homes, child care institutions or wilderness camps. "Secure custody" refers to custody in a facility for the secure containment of young persons, in which there are greater restrictions on liberty.

72. The *Young Offenders Act* restricts publication of the identity of alleged offenders in youth court proceedings, and also of that of young victims and witnesses (ss. 17, 38-39). It also limits access to records of young offenders to persons with a direct interest, and sets out a maximum period for which these records can be kept and used (ss. 40-46).

Measures governing work by children

73. Although the *Canada Labour Code* still allows the fixing of lower minimum wage rates for people under 17 years of age, by Order in Council which took effect on May 26, 1986, the minimum wage for people under 17 has been set at the same level as for other workers. Amendments to the *Canada Labour Standards Regulations* are being finalized that would no longer permit a lower minimum wage for employees undergoing training, except when the employee is an apprentice registered under a provincial apprenticeship act and is being paid in accordance with a rate schedule established under that act.

Article 11: Right to an adequate standard of living

A. General and specific measures

74. In addition to the *Canada assistance Plan* discussed in previous reports and in Part I above, numerous programs aim at improving the standard of living and living conditions of people. Among those are the family allowances discussed earlier, the old-age benefits and disability benefits and other social security programs discussed in the reports on articles 6-9 and numerous programs in favour of disadvantaged groups and individuals.

Regional policies

75. The Ministry of State for Economic and Regional Development and the Department of Regional Industrial Expansion were disbanded and their operations passed on to the new Department of Industry, Science and Technology. New initiatives to combat regional disparities include the creation of the Atlantic Canada Opportunities Agency, the Organization for Regional Development — Québec, and the Department of Western Economic Diversification.

Aboriginal economic programs

76. The Government of Canada continues to operate extensive economic development programs for aboriginal people, through several departments including the Department of

Indian Affairs and Northern Development, the Department of Industry, Science and Technology and the Canada Employment and Immigration Commission.

77. In 1989, the Canadian Aboriginal Economic Development Strategy was established, which provides long-term employment and business opportunities to Canada's aboriginal people, by giving them the means to manage effectively their own business enterprises, economic institutions, job training and skill development. A total of $1.4 billion has been allocated for the Strategy for the initial five-year period.

78. The new Strategy will pursue economic self-reliance for aboriginal people by means of: greater participation in the national economy; access to continuing jobs and increased opportunities for ownership and management of business enterprises and economic institutions; participation in the design and delivery of programs; unrestricted access to federal economic development initiatives; increased involvement with Canadian business and investment interests; and active participation and support from provincial and territorial governments. More specifically, for example, it seeks: further development of economic institutions, controlled by aboriginal people, that, over time, can assume responsibility for much of the delivery of the government's investment funding, business and employment programs and advisory services; increased aboriginal joint venturing with "mainstream" businesses; and breakthroughs in increased opportunities for employment and self-sufficiency by aboriginal people who have chosen to live in urban areas.

International development assistance

79. In 1987, following an extensive review of Canada's official development assistance policies and programs, the Government announced a new Strategy for Canadian Official Development Assistance entitled *Sharing our Future*.

80. The following four principles form the foundation of Canada's policy: the primary purpose of Canada's development effort is to help the world's poorest countries and people; Canada's aid policies must strengthen the human and institutional capacity of developing countries to solve their own problems in harmony with their natural environment; in setting objectives for development assistance, developmental priorities must prevail; the links between Canadian citizens and institutions, and those in the Third World, must be strengthened.

81. The priorities on which the projects and programs are focusing are: to alleviate poverty; to design structural adjustments policies that take into account their human impact on the people they are designed to assist; to strengthen the emphasis on the role of women in development; to foster environmentally sound and ecologically sustainable programming; to strive for food security; and to emphasize energy availability. The principles and priorities constitute the charter for Canada's development assistance program.

82. The Government also announced new programs and initiatives including: a new eligibility framework for assistance which provides the flexibility necessary to achieve the goals (this new framework makes it easier to take into account the human rights performance of various countries when deciding upon the nature and scope of assistance efforts); improving

program delivery through the decentralization of a significant number of aid personnel to ensure that initiatives are better tailored to local needs and circumstances; human resource development aimed at creating indigenous capacity to enable each country to solve its own development problems; and a public education and outreach strategy, to facilitate access to the aid program by Canadians, and raise levels of public awareness of development issues.

B. Right to adequate food

General

83. In 1989, the Government of Canada launched a comprehensive review of all programs and policies related to the agri-food sector. As part of the policy review process, in November 1989, the Minister of Agriculture released a discussion paper entitled "Growing Together - A Vision for Canada's Agri-Food Industry". The paper offered a comprehensive overview of the constraints and opportunities facing Canadian agriculture, and set out a vision for the future.

84. The Government is also committed to the conservation of Canada's fisheries resources. Recent measures increased scientific research on fish stocks and bolstered fisheries enforcement by the Department of Fisheries and Oceans. The Government also attaches a high priority to diplomatic initiatives aimed at preventing destructive foreign fishing practices on fish stocks overlapping or adjacent to the Canadian 200-mile zone. The Government has also implemented a *Fish Habitat Management Policy* to protect the resource base from losses due to pollution or physical damage. The growing aquaculture sector has also been supported through a *National Aquaculture Strategy.*

85. Every year, since its inauguration in 1981, Canada has celebrated the World Food Day (October 16). In 1983, the World Food Day Association of Canada was created. The Association is active year-round in promoting informed public debate and action on food issues as they relate to the elimination of hunger, malnutrition and poverty in Canada and elsewhere. A coalition of more than 250 Canadian organizations, the Association is funded by the donations of individual Canadians and by grants from the government.

Measures taken to improve food consumption levels and nutrition

86. Food supply is not a problem in Canada. Canadians produce enough food such as red meats, poultry meat, fish products, eggs, dairy products, grains, oilseeds and many types of vegetables to feed themselves and export quantities to other countries.

87. In order to safeguard the production and marketing of quality food products for consumption by Canadians and consumers abroad, the federal government has introduced numerous food specific policies. Two general types of policies are noteworthy.

88. First, the processing, distribution and retailing sectors are subject to a wide array of government regulations which are largely food specific. These include, consumer protection, including product safety, quality/content control and specification, health standards, etc. In the area of food safety, for example, Agriculture Canada recently completed a scientific assessment of the relative risks to human health and safety posed by chemical and bacterial

hazards. This helped identify priorities for food sampling. The Department has also increased laboratory testing for potentially harmful biological contamination and chemical residues in various food products. For example, in response to an international increase in human salmonellosis, the Department grouped all former individual control efforts into a National Salmonella Control Program for Poultry. Also, the Department of Health and Welfare has increased and enhanced its analytical and risk assessment activities regarding food chemical and microbiological risks.

89. Second, the operation of these sectors is subject to more general macro-policy instruments where food processing and distribution is also treated like one of a number of other manufacturing or distribution industries. Examples of initiatives in this area include competition and transportation policies, industrial strategies, regional development policies, trade measures and fiscal policy.

90. Application of food specific regulations has been successful in Canada. Food safety regulations are regularly updated to provide consumer protection and clear industry guidance. Canadian food products, besides being plentiful in quantity, are also of high and consistent quality, safe and well described. Canadian consumers, therefore, are in an extremely favourable position since the supply of quality food is not a problem. This is due to the fact that many of the consumer related government initiatives are in some measure implicit in most federal and provincial agriculture or food policies. There are, also, a number of multi-departmental policy instruments which are identifiable and directed primarily towards consumers. Their impact will be felt throughout the agri-food system. For example, there are a number of consumer protection instruments such as the regulations for packaging and labelling product content and quality, weights and measures, health standards, fraudulent and misleading advertising, and inspection services. The Food Safety Policy Review team under the agriculture policy review made recommendations for strengthening and enhancing food inspection in Canada. The Department of Agriculture is implementing and further developing these recommendations.

91. Even if Canada's food production capacity is favourable, and if Canadians in general have been consuming high-quality food products in adequate quantities while spending on average only 13.84 percent of their disposable income on food, it has not been so easy for many low-income people to acquire adequate food. The social assistance which is available to people without other sources of revenue makes specific provisions for food. But this may not always be sufficient. During the recession of the early 1980s, "food banks" started to become a significant recourse for many people to supplement their daily food consumption. Food banks collect food from benevolent donors, or buy it with money received from donations, and distribute it free of charge to people in need.

92. Finally, of special concern are problems of nutrition in aboriginal communities. The Government is addressing these problems, in particular those related to the food habits of aboriginal people and the contamination in some areas of their traditional food sources.

Food inspection

93. In 1986, the Government announced the Regulatory Reform Strategy with respect to the federal food inspection system. Under the Strategy, the ministers responsible for regulation

and inspection of the food industry were instructed to carry out their responsibilities on the basis of clearly defined policies and programs.

94. The Department of Health and Welfare was directed to provide leadership, advice and co-ordination relative to the health aspects of the federal and provincial food inspection systems to ensure uniform coverage and clear accountability with regard to all food manufacturing establishments. At the federal level, the Interdepartmental Food Regulation Committee oversees the co-ordination of the federal food inspection system. With regard to the provincial food inspection systems, a Federal-Provincial Subcommittee on Food and Regulatory Health has been formed as a forum for the discussion of common concerns.

95. The Agriculture Canada Quality Assurance and Food Safety Advisory Group was established to examine food inspection systems, assess risks, and provide direction regarding standards and inspection procedures. Laboratory testing has been enhanced through the consolidation of usage, the expansion of the accreditation of methods and private laboratories, and rapid diagnostic test development. Funds have been allocated to new hazard testing and low-level contaminant programs to support the effort to satisfy public demand that risks be maintained at acceptable levels. The Research Branch has modified its research priorities to meet today's agri-food industry needs, with more attention now being focused on food safety and quality, animal welfare, sustainable agriculture, soil conservation and environment research.

96. Additional funding has been allocated to expand the Department's approach to assessing inspection systems, facilities and produce prior to approving the import of products into Canada. Through enhanced risk evaluation and laboratory testing, more products from identified high-risk areas will be evaluated.

97. Agriculture Canada has also made progress in evaluating the adequacy of the programs of Canada's trading partners in controlling bacterial and chemical hazards in food. Agriculture Canada developed a formal risk-assessment process for the possible introduction of plant and animal diseases into Canada. Amendments to the *Animal Disease and Protection Act* and the *Plant Quarantine Act* are under way which will strengthen Canada's ability to prevent, control and eradicate animal and plant pests and diseases.

Dissemination of knowledge of the principles of nutrition

98. The Department of National Health and Welfare continues to carry out nutrition programs and activities directed towards educating the public and professionals on the principles of nutrition. The basis for the programs is the 1977 *Nutrition Recommendations for Canadians* which included *Canada's Food Guide* and *Canada's Food Guide Handbook* which were widely distributed and incorporated into materials prepared for educators, professionals and the media. The Department released the reports of two committees concerning nutrition in 1990, one which reviewed and updated the *Nutrition Recommendations*, the other entitled *Action Towards Healthy Eating: Canada's Guidelines for Healthy Eating and Recommended Strategies for Implementation.*

99. From 1983 to 1989, national nutrition guidelines were introduced as a basis for education for professionals, pregnant women and care-givers of infants and preschoolers.

Nutrition in Pregnancy — National Guidelines, released in 1987, now form the basis for many governmental and non-governmental programs. *Promoting Nutritional Health During the Preschool Years: Canadian Guidelines*, released in 1989, was a collaboration activity of the Network of the Federal/Provincial/Territorial Group on Nutrition and the National Institute of Nutrition. Both sets of guidelines were endorsed by major national organizations. In 1986, *Feeding Babies*, a counselling guide on practical solutions to common infant feeding questions was published as a joint project of Health and Welfare Canada and the Canadian Paediatric Society.

100. With regard to weight problems, two documents have been widely distributed: *Promoting Healthy Weights: A Discussion Paper* — a strategic framework for preventing weight problems and promoting health; *Canadian Guidelines for Healthy Weights*, which reviewed existing weight measures and recommended guidelines for assessing weight in relation to health.

C. Right to adequate clothing

101. In Canada, clothing is easily available. People in need receive assistance from governments for items of clothing. Also, charitable organizations, with the support of public funds, redistribute items of clothing to persons in need.

D. Right to housing

(*a*) General

102. The principle upon which the Government of Canada's housing policy is founded is that Canadians in all parts of the country should have access to suitable and adequate shelter at a cost that is affordable. The Canada Mortgage and Housing Corporation is the principle agent of the Government in its pursuit of housing objectives.

103. In 1985, the Government undertook a consultation process aimed at examining options for more effective use of federal housing dollars. It established the foundations for new national directions in housing policy, which are: targeting social housing programs more effectively to those in need; providing an enhanced mix of social housing programs designed to meet varying needs; encouraging greater provincial participation in social housing; and looking at measures to reduce costs and increase revenues within the existing social housing portfolio.

(*b*) Social housing programs

104. The social housing programs address the needs of many Canadians, including the working poor, senior citizens, single-parent families, non-elderly singles, aboriginal people and disabled persons. At least five percent of the units in non-profit housing projects produced each year are accessible to the disabled. At the end of 1989, the existing social housing stock totalled some 640,000 units.

105. Under the Non-Profit and Urban Native Housing programs, annual subsidies equal to the difference between annual operating costs (including amortization) and project revenues,

earned by charging clients a rent geared to their income, are provided for rental housing projects owned and operated by public and private non-profit organizations and co-operative groups.

106. The Rent Supplement Program assists needy households where an adequate supply of rental accommodation is available on the private market. Landlords are reimbursed for the difference between market rent and the rent geared to income which the tenants pay.

107. Public housing makes up a large percentage of the existing social housing stock. Clients pay a rent based on their income, with operating losses cost-shared by the federal and provincial/territorial governments. These projects are owned and operated by public institutions such as provincial housing corporations. In some locations, municipalities cost-share public housing losses and manage projects.

108. The Residential Rehabilitation Assistance Program helps low income homeowners to bring sub-standard properties to acceptable health and safety standards. The funds can also be used to make units accessible to disabled persons. The Emergency Repair Program provides grants to rural occupants to make a house, too dilapidated to fully rehabilitate, safe to inhabit.

109. Under the Rural and Native Housing Program, clients make mortgage, rental, or lease to purchase payments based on their income. Homeowner clients pay a downpayment and are responsible for on-going maintenance and repair expenditures. Fifty percent of activity under this program is targeted to aboriginal people. In addition, there is an On-Reserve Non-Profit Program which provides assistance for rental housing owned by Indian bands.

(*c*) Research and demonstration programs

110. Research is carried out into many areas concerned with housing, housing needs, urban systems and associated issues, with the objective of developing cost-effective solutions to housing-related problems, and improving the overall quality of housing in Canada.

111. A new Co-operative Housing Program was implemented in 1986, on a five-year experimental basis. It provides security of tenure for moderate- and low-income households. Under this program, index-linked-mortgages permit initial mortgage payments to be relatively low but increase each year at a rate fixed at two percent less than the inflation rate. Where initial monthly charges are in excess of market rent levels, federal assistance is provided to reduce the break-even charges to the market level. Up to half the units in co-operative projects are targeted to low income households through the use of rent supplements. In 1986, the federal government also introduced the five-year Rural and Native Housing Demonstration Program designed to evaluate a "self-help" approach. The client provides some of the labour to construct the unit on a volunteer basis.

(*d*) International Year of Shelter for the Homeless

112. Canada's observance of the International Year of Shelter for the Homeless (1987) helped focus attention on the problem of homelessness in Canada and possible solutions to it. The federal government, through Canada Mortgage and Housing Corporation, co-ordinated a

national program which included the participation of all provinces and many non-governmental organizations and which culminated in a large international conference in Canada.

113. It is recognized that the needs of the homeless are very closely associated with other social and health needs. The homeless require more than just shelter assistance. They require permanent accommodation and social services to break the cycle of unemployment and subsequent social problems.

(*e*) Emergency shelters

114. The federal government funds the acquisition of emergency shelter and transitional housing. Arrangements were made for federal social services funding under the *Canada Assistance Plan* to address emergency situations by supporting temporary shelters.

115. The federal government announced the Project Haven as part of the Family Violence Initiative in 1988. Some $22 million is being spent for the development of emergency/transitional shelters for battered women and their children.

(*f*) Market housing

116. In 1987, new federal directions for *National Housing Act* Loan Insurance were announced. These are designed to ensure equal access to mortgage funding at the lowest possible cost for consumers in every part of Canada. Second mortgage insurance and mortgage insurance for moveable homes were new initiatives.

117. In support of market housing, Mortgage Backed Securities (MBS) were introduced in 1987. They provide a new source of funding for residential mortgages and encourage longer-term mortgages. The timely payment of MBSs is insured by the federal government through the Canada Mortgage and Housing Corporation. They are a sound investment for individuals and institutional clients. By the end of 1989, outstanding issues of MBSs totalled close to $3 billion.

(*g*) Regulatory reform

118. In February 1990, the Government of Canada announced the Affordability and Choice Today (ACT) initiative to promote affordable housing. ACT will run until 1993 and will provide financial incentives to encourage municipal governments, builders/developers and non-profit housing organizations to identify, carry out and promote changes and innovations in their planning and building by-laws to make housing more affordable.

(*h*) International co-operation

119. Canada is an enthusiastic supporter of the UN Global Strategy for Shelter to the Year 2000 (GSS). In April 1989, Canada reported to the UN Commission on Human Settlements on "Steps Taken to Implement the GSS in Canada".

120. As an active participant in the UN-ECE Committee on Housing, Building and Planning and the Group on Urban Affairs of the Organization of Economic Co-operation and

Development, Canada has undertaken research and shared its experiences on rent policy, land markets, housing quality and the distributional effects on housing of taxation policy, among others.

Article 12: Right to physical and mental health

A. Health care system

121. Canada's health care system, as explained in detail in the first report on articles 10-12, remains essentially the same. Canadians continue to receive a wide range of free medical and hospital services paid for by public funds.

122. Health insurance is achieved through a series of 12 interlocking plans (ten provinces, two territories) towards which the federal government contributes substantial payments by authority of the *Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act*. Initially, the programs were based on the *Hospital Insurance and Diagnostic Services Act* of 1957 and the *Medical Care Act* of 1966. In 1984, these two laws were replaced by the *Canada Health Act* which entrenched the basic principles underlying the national insurance program.

123. The new act reconducts and clarifies the criteria that the provinces and territories must meet to qualify for their full share of the federal cash payments for health care services. These criteria, the cornerstones of Canada's health care services, are: reasonable access to insured services without impediment by way of user charges and extra-billing; comprehensiveness of insured services covered; universality of population covered; portability of benefits; and public administration on a non-profit basis. In addition, provinces must meet certain conditions in order to qualify for federal cash contributions: providing information that the federal minister requires, and giving appropriate recognition to federal contributions toward insured and extended health care services.

124. The particularity of the *Canada Health Act* is that it discourages extra-billing and user charges. These are now subject to dollar-for-dollar deductions from the federal contribution to a province's or territory's health care insurance program. These forms of direct charges are fees charged to patients for insured physician and hospital services, and are not recoverable from the plan. However, provinces and territories are allowed patient charges for chronic care to cover the costs of accommodation and meals for persons who are more or less permanently residents in a facility.

125. The extended health care services such as support of nursing home intermediate care services, adult residential care, home care, and ambulatory health care, are not subject to the five basic criteria mentioned above. They only require that the two additional conditions be satisfied — recognition of the federal contribution and provision of information.

B. Measures to detect and prevent the spread of AIDS

126. The federal government reacted quickly following confirmation of the first cases of AIDS in Canada. In 1982, Health and Welfare Canada (HWC) established a reporting system for cases of AIDS diagnosed in Canada. This program uses the case definition developed by

the United States Centre for Disease Control and adopted by the World Health Organization (WHO).

127. Also in 1982, in consultation with the newly formed National Advisory Committee on AIDS, HWC began considering research strategies and educational approaches for health workers and the general public. By 1985, screening measures were in place to protect blood supplies and a Canadian community of expertise was beginning to emerge.

128. In May 1986, HWC committed $39 million (over 5 years) for the establishment of the national AIDS program, with what is now the Federal Centre for AIDS serving as the focus of the program. Two years later, an additional $129 million was added, bringing the total funding to $168 million through to 1993. In keeping with the London Declaration on AIDS Prevention, the largest proportion of the new funds ($48 million) was allocated for information and public education programs.

129. With the overall goal of preventing and containing the spread of the disease, HWC engages in a number of activities which include: laboratory and field research, drug trials, surveillance, intergovernmental and international liaison, support to health and social programs initiatives within the community, and the development of educational programs. The Department works in partnership with all parties involved, calls upon the expertise of the National Advisory Committee on AIDS, and consults with the Federal/Provincial/ Territorial Advisory Committee constituted in June 1987 to co-ordinate the activities at both levels of government and to ensure a consistent and effective national response.

130. Since the mid-1980s, HWC has facilitated the conduct of population-based seroprevalence studies designed to determine the rate of HIV in Canada and to monitor trends over time. Also, responding to concerns about the risk of acquiring HIV infection in health care settings, HWC is co-ordinating a national surveillance program, initiated in 1985, to document seroconversions that are attributed to occupational exposure.

131. The federal AIDS program has earmarked $35 million (over 5 years) in funding for scientific research on AIDS. The funding will support Canadian trials of new AIDS drugs, research on potential vaccines, improved diagnosis and epidemiological studies. Canada's university community is expected to play a critical part in this basic and applied research through funding from HWC.

132. Federal AIDS program funding includes $10 million (over 5 years) allocated to health and social sector support. This money is being used to improve the knowledge and skills of health and social service workers through training, to encourage the development of new service models, and to develop educational material and guidelines in support of the work of various national organizations.

133. The Government, as an employer, has adopted an AIDS in the workplace policy, in May 1989, which serves as a model and reference for other Canadian employers.

134. In May 1988, the Canadian Human rights Commission approved a policy to prohibit discrimination against people who tested HIV positive. The policy stressed the Commission's commitment to deal promptly with all complaints of discrimination based on actual or

perceived HIV/AIDS infection, and to help improve public understanding of AIDS as it relates to human rights.

135. To December 31, 1989, the Commission had received nine complaints alleging AIDS/HIV discrimination. They were relatively evenly distributed between employment and services. A tribunal decision, *Fontaine v. Canadian Pacific Railway* reaffirmed the Commission's position that employers may not discriminate against those who carry HIV or have AIDS unless there is a clear and demonstrable risk the virus will be transmitted.

136. In June 1990, the Minister of National Health and Welfare released the national strategy on AIDS. The strategy document, *HIV and AIDS: Canada's Blueprint*, outlines an agenda for the 1990s and provides a framework for action by the various partners in the fight against AIDS: government, community groups, professional associations, labour organizations and the private sector. The federal government's own action plan is spelled out in *Building an Effective Partnership: The Federal Government's Commitment to Fighting AIDS*.

137. As a designated World Health Organization collaborating centre, the HWC Laboratory is a key research and training resource. Some of the activities undertaken in this capacity are: the development of alternative algorithms which would obviate the need for costly confirmatory testing; the training of scientists from other countries; the evaluation of diagnostic reagents suitable for use in developing countries; the assessment of innovative methodologies for use in seroprevalence studies; and the exchange of information with other collaborating centres. HWC scientists have also provided consultative advice, through the World Health Organization, to national AIDS programs of developing countries.

138. The Laboratory provides reference services to provincially designated laboratories conducting HIV antibody screening tests. These activities ensure that the tests employed are current "state of the art" tests, and that Canadians who are evaluated for indication of HIV infection or who require specialized laboratory procedures, as part of the clinical trials of an anti-HIV drug, receive consistent and reliable results.

139. Canada has been at the forefront of international efforts to combat the disease. Through the Canadian International Development Agency, Canada contributes to the WHO Global Programme on AIDS (23.8 million between 1987 and 1991) and supports prevention and control programs in developing countries through bilateral development projects.

C. Special services for aboriginal people

140. The Government of Canada provides direct medical services to the Inuit and status Indians. In recent years, the Government has taken steps towards the transfer of the control of health services to the aboriginal communities who live south of the 60th parallel.

141. The National Native Alcohol and Drug Abuse Program, a major national program to counter addictions among native people, has been in effect since 1983. The clientele includes status Indians and Inuit, although the program is reserve-oriented. A total of 382 prevention projects are currently funded, employing 45 treatment centres with a capacity to receive 642 patients.

D. Protection of the environment

Legislative changes

142. Major changes to the environment protection legislation came about in 1988 with the adoption of the *Canadian Environmental Protection Act*, proclaimed into force on June 30, 1988. The new Act incorporates the provisions of and repeals the *Clean Air Act*, the *Environmental Contaminants Act*, the *Ocean Dumping Control Act*, and Part III of the *Canada Water Act*. It provides a framework for protecting Canadians from all forms of pollution caused by toxic substances. Its major feature is that it improves the federal government's ability to manage chemical substances. The approach encompasses the entire life cycle of toxic substances — from their development and manufacture, through the stages of transport, distribution, use and storage, to their ultimate disposal.

143. The Act includes tougher sanctions than ever before to deal with those who ignore or disobey regulations. Punishment may include fines of up to one million dollars a day and imprisonment for up to five years. The courts may require polluters to pay the cost of cleaning up the pollution. Also, for the first time, corporate officials can be prosecuted and punished for violations that they authorized or participated in on behalf of their company. Along with penalties, a company may have to repay any profits made from polluting.

144. Amendments to the *Fisheries Act* have been introduced to provide for substantially increased penalties for the deposit of deleterious substances in waters inhabited by fish.

145. The *Canada Shipping Act* was amended in 1987, among other things to increase powers and penalties and to establish the Ship-Source Oil Pollution Fund under which damages resulting from oil pollution in Canadian waters can be compensated.

146. The *Transportation of Dangerous Goods Act*, assented to on July 17, 1980, enables the federal government to work closely with the provinces and the transportation industry, to implement, through regulations, uniform safety standards in areas such as the identification, labelling, packaging and handling, of dangerous goods for all modes of transportation.

Federal Environmental Assessment and Review Process

147. Through a series of decisions, the Federal Court has ruled that a Guidelines Order issued under the Federal Environmental Assessment and Review Process is a regulation and is a mandatory code of general application. The Court has stated that the Review Process superadds a responsibility on ministers of the Crown to assess the implications of their decisions in the carrying out of government activities and programs.

Funding programs

148. The Government provides over $400,000 per year to the Canadian Environmental Network (an umbrella organization) for core funding and projects to help co-ordinate the activities of environmental groups in Canada. There are some 1,800 such groups in Canada. In addition, the Department of Environment provides sustaining funds to more than 300

groups. In 1989-90, the NGO community received over $6 million in financial support from the Department.

149. In June 1989, the Minister of the Environment announced a $50 million Environmental Partners Fund, a five-year program enabling community groups, service clubs, environmental organizations, schools and youth clubs to apply for matching funds to clean up and rehabilitate the environment at the community level. Partners can receive up to $200,000 in federal matching funds for innovative projects that will protect, preserve, enhance and restore the environment.

Other initiatives

150. Other initiatives include: a national policy for the management of fish habitat announced in 1986; a three-year, $75 million, soil conservation initiative announced in December 1987; the Environmental Choice Program announced in 1988, to help consumers identify environmentally friendly products and provide incentives for the development of new industrial processes, products and services; regulations to prohibit the adding of lead in gasoline as of December 1, 1990; the establishment of Canada's International Institute for Sustainable Development in Winnipeg, and of a national packaging protocol to reduce packaging waste by 50 percent by the year 2000, announced in March 1990.

International co-operation

151. Canada was a prime mover in setting up the World commission on Environment and Development and supports the concept of sustainable development as advocated in the Commission's report, released in April 1987. Canada is party to a number of international environmental agreements dealing with protection of the ozone layer (Vienna convention of 1985 and Montréal Protocol of 1987 and 1990), control of transboundary movements of hazardous wastes (Basel Convention, 1989), reduction of emissions of sulphur dioxide (Helsinki Protocol, 1985) and nitrogen oxides (Sofia Protocol, 1988), protection of endangered species (Washington, 1973), and wildlife habitat (Ramsar, 1971), protection of cultural and natural heritage (Paris, 1972), and control of ocean dumping (London, 1972).

152. Canada has a number of bilateral agreements with the United States including the Boundary Waters Treaty, Migratory Birds Convention, Great Lakes Water Quality Agreement, and agreement on the transboundary movement of hazardous waste as well as bilateral co-operation agreements with the USSR (1989), Germany (1990), the Netherlands (1988), Mexico (1990) and Brazil (1989). Canada participated actively in the work of the Intergovernmental Panel on Climate Change. Also, in 1988, Canada announced a moratorium on its experimental high-seas Pacific drift-net fishery.

E. Industrial hygiene

153. The main development in the area of industrial hygiene was the adoption of the Workplace Hazardous Materials Information System (WHMIS). Following a consensus proposal developed through extensive consultation with industry and labour representatives, the federal, provincial and territorial governments agreed to implement the System in an effort to reduce the incidence of illnesses and injuries resulting from the use of hazardous materials in

the workplace. WHMIS is designed to ensure that all employers receive the information they need to educate and train their employees properly in the use of hazardous materials in the workplace. It will also provide employees with necessary hazard information so they can participate in, and support, the precautionary measures instituted in their workplace.

154. At the federal level, the System received its legislative authority with the adoption by Parliament of *An Act to amend the Hazardous Products Act and the Canada Labour Code, to enact the Hazardous Materials Information Review Act and to amend other Acts in relation thereto*, assented to June 30, 1987. The regulations adopted under this legislation came into force on October 31, 1988. They are known as the *Controlled Products Regulations*, the *Hazardous Materials Information Review Regulations*, the *Ingredient Disclosure List* and the amendment to the *Canada Occupational Safety and Health Regulations*. The key features of the regulations include: the establishment of the criteria to identify hazardous materials; the definition of the format and content of labels for containers of hazardous materials and related material safety data sheets; and the establishment of criteria for evaluating confidential business information claims and appeals.

155. Responding to concerns for protection against the hazards associated with tobacco smoke, the Government of Canada brought the *Non-Smokers' Health Act* into law on December 29, 1989. Generally, the Act prohibits smoking in workplaces under federal jurisdiction and on common carriers, except in designated smoking rooms and smoking areas. Also, the *Tobacco Products Control Act*, which came into force on January 1, 1989, prohibits the advertising and promotion of tobacco products in Canada and makes it mandatory for distributors to display on the packaging of these products messages pertaining to their health effects as required by regulations.

Article 13: Right to education

156. The Government of Canada continues to support the objectives described in paragraph 1 of article 13 of the Covenant, in particular through measures such as those described in the first report on articles 13-15.

157. The Government of Canada provides financial assistance to the provinces and territories in support of the additional costs they incur in the maintenance and development of minority official-language education and second official-language instruction at the primary, secondary and post-secondary levels. Contributions under the program are made on the basis of agreements between the federal government and the governments of the provinces and territories. These bilateral agreements are governed by a Protocol for Agreements signed by the Secretary of State on behalf of the Government of Canada and by the Council of Ministers of Education, Canada, on behalf of all provincial ministers responsible for education. The national objective is to provide financial assistance for the official languages in education in order to offer minority official language communities the possibility to be educated in their own language, and for all Canadians, the chance to learn a second official language. Federal expenditures with respect to Official Languages in Education at all levels of education were $247 million in 1988-89.

Right to primary and secondary education

158. The educational services provided under the authority of the *Indian Act* by the Department of Indian and Northern Affairs, as detailed in Canada's initial report, remain essentially the same. Worthy of note is the increase in the number of schools controlled by the community on Indian reserves. As of September 1988, 280 of the 379 schools on reserves were band-operated and enrollment in these schools accounted for 69 percent of the total on-reserve school enrollment. That year, 20 new Indian communities assumed control of their school systems and 26 bands requested and received pre-transfer funding, confirming the strong trend toward takeover that has prevailed in recent years with full support from the federal government. The number of band-operated schools more than doubled between 1980-81 and 1988-89 from 133 to 280. During the same period, the number of students in those schools more than tripled from less than 10,000 to above 30,000.

Right to higher education

159. The Government continues to provide extensive support for post-secondary education. This takes the form of contributions to provincial and territorial governments under the *Federal-Provincial Fiscal Arrangements and Federal Post-Secondary Education and Health Contributions Act* ($5.4 billion in 1988-89), contributions for Official Languages in Education ($67.6 million in 1988-89), and direct support channelled into such activities as: university research; student assistance; and the higher education of Indians and Inuit, military personnel and inmates of federal correctional institutions ($1.5 billion in 1988-89).

160. The Indian/Inuit Management Development Program ($5.7 million in 1989-90) provided funds to Indian bands, affiliated organizations and Inuit communities in Northern Québec for needs analysis and the development and delivery of programs to improve their management skills. The Program also funded universities and consultants for the development of Indian management programs.

161. In 1989-90, the Department of Indian Affairs, through the Indian Studies Support Program, provided funding to more than 41 post-secondary institutions and Indian education organizations at a cost of $19.3 million for the development and delivery of special programs for treaty and status Indians.

Financial assistance for students in higher education and progressive introduction of free higher education

162. The Canada Student Loans Program, established in 1964, continued to provide assistance to financially needy post-secondary students. During the 1988-89 loan year, 203,000 full-time and 840 part-time students received a total of $552 million in guaranteed loans. Approximately 17,160 former students were assisted through the Interest Relief Program. The Northwest Territories opted out of the Canada Student Loans Program as of the 1988-89 loan year and received an alternative payment to assist in providing their own student assistance program.

163. The federal government also provides assistance to post-secondary students in the form of scholarships, bursaries, grants, fellowships, contributions, living allowances and the payment

of tuition fees. Numerous departments and agencies are involved. Assistance is provided, for example, by the Natural Sciences and Engineering Research Council, for student research awards and masters' and doctoral programs, the Social Sciences and Humanities Research Council, for doctoral programs, and the Medical Research Council, for graduate students undertaking full-time training and research. The Canadian International Development Agency provides support to students from developing countries who come to study in Canada.

164. The Department of Indian Affairs provides funding for registered Canadian Indians and Inuit post-secondary students through its Post-Secondary Support Program. This program provides to eligible students financial support for tuition, travel and living expenses for the pursuit of studies offered at community colleges and universities. It finances scholarships in recognition of academic achievement for graduate and undergraduate studies and for studies in areas which contribute to the objective of self-government. Indian authorities can administer the program and apply their own operating guidelines. During 1989-90, the Department provided financial and instructional support to over 18,500 Indian and Inuit post-secondary students at a cost of $147.2 million. Indian authorities now manage 73 percent of this program through contribution arrangements with the Department.

165. Since the creation in 1973 of the Legal Studies for Aboriginal Peoples Program, through which the Department of Justice offers financial assistance to Métis and Non-status Indian Students to attend a pre-law summer orientation program and then law school for three years, 80 recipients of financial assistance have obtained law degrees.

166. Since July 1, 1989, inmates in federal penitentiaries are no longer required to pay a part of the costs of university credit courses which they take.

167. For the school year 1988-89, the total costs to the federal government of its student assistance programs was $570.9 million, an increase of 13.4 percent over 1987-88 and 35.1 percent over 1986-87.

168. Although students in post-secondary education still pay tuition fees, their fees account for only a small part of the total cost of higher education. In 1988-89, for example, student fees accounted for only nine percent of the total spendings in Canada for post-secondary education.

Right to fundamental education

169. In September 1988, the Prime Minister of Canada announced a new federal strategy to promote literacy, and the Government established a National Literacy Secretariat to deliver a broadly based literacy program in collaboration with provincial and territorial governments and the private and voluntary sectors. The Secretariat supports projects jointly with provincial and territorial governments, provides grants to non-governmental organizations and undertakes studies related to literacy. It supported activities to mark International Literacy Year (1990).

170. The Correctional Service of Canada undertook literacy tests on 10,000 inmates over a three-year period and found that approximately 65 percent of those tested were functionally illiterate by the Service's standards (i.e. lower than Grade 8 language and mathematical skills). All new inmates are now tested, and an Adult Basic Education Program has been implemented

at every correctional institution to ensure that inmates have the opportunity to complete the Grade 8 level in language and mathematics before release. The preliminary results of a three-year initiative (April 1, 1987 to March 31, 1990) indicate that 4100 inmates (the target was 4050) successfully completed the Program.

171. Approximately 44 percent of the inmate population participates in educational programs either full-time, part-time or by correspondence. Of this total, approximately 32 percent participate in the Adult Basic Education Program, 28 percent in secondary education, 28 percent in vocational training, 7 percent in college programs and 5 percent in university programs.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

A. Right to take part in cultural life

(*a*) Availability of funds and public support for private initiative

172. During the period under review, the Department of Communications and the agencies reporting to Parliament through the Minister of Communications have established a number of programs allocating funds to various cultural groups and organizations in order to promote and protect Canadian culture. Some of these programs are: the Cultural Initiatives Program, which provides financial assistance to non-profit cultural organizations; the funding for a new French-language TVOntario network; an insurance program that provides coverage for travelling exhibitions valued at more than $1 million; the Sound Recording Development Program, to help the Canadian sound recording industry in the production and marketing of musical products with Canadian content; the Non-theatrical Production Fund; the National Broadcast Reading Service, for the print-handicapped; a satellite distribution system for television in Canada's Arctic region; the Independent Production Program, to assist the production of films by the private sector; the Canadian Feature Film Fund; the Canadian Broadcast Program Development Fund; the Book Publishing Industry Development Program aimed at ensuring maximum accessibility to Canadian books by improving the profitability and financial independence of Canadian-owned publishers; the Publications Distribution Assistance Program, which provides concessionary postal rates for books, periodicals, and newspapers; and the Educational Publishing Fund, to replace the Canadian Textbook Assistance Component of the Book Publishing Industry Development Program.

(*b*) Institutional infrastructure

173. The mission of the Department of Communications was revised in 1988 to read "Nation Building: Helping Canadians Share their ideas, information and dreams". Through its new mission, the Department ensures that Canadians have access to their cultural products and services and to the communications systems essential to Canada's social, cultural and economic development and integrity. The Minister of Communications continues to answer to Parliament for the following agencies: the Canada Council, the Canadian Broadcasting Corporation, Telefilm Canada, the Canadian Radio-Television and Telecommunications Commission, the National Arts Centre, the National Film Board, the National Library of Canada, the national museums of Canada and the National Archives of Canada.

174. On April 17, 1986, the Payment for Public Use Program was established within the Canada Council to compensate authors for the use of their works in Canadian libraries. The Program, which operates independently of the Canada Council and the Government, was renamed the Public Lending Right Program in 1987 and was allocated new funding in 1988 and 1990 (13.1 million dollars over five years) to allow for growth in the numbers of eligible authors and titles. In 1988, the Canada Council prepared a three-year plan with the objective of reinforcing its involvement in assisting the training for artists, the creation and production of works of art and the distribution of the arts to all the regions of Canada.

175. In 1987, the responsibilities of the National Museums of Canada, the Crown corporation established in 1968 to co-ordinate the operations of Canada's museums, were transferred to the Department of Communications and the Corporation was dismantled. This move provided administrative autonomy to each individual museum.

176. At the time of preparation of the first report, new buildings were under construction for the National Gallery of Canada and the National Museum of Man. They were officially opened on May 21, 1988 and June 29, 1989, respectively. The National Museum of Man has been renamed the Canadian Museum of Civilization. The premises previously occupied by the latter are currently being used by the National Museum of Natural Sciences. The National Aviation Museum also occupies new premises since June 1988. Finally, the new Canadian Centre for Caricature was opened at the National Archives of Canada in June 1989 and a Canadian Museum of Contemporary Photography is to open in 1991.

177. New programs administered by Telefilm Canada include: the Canadian Broadcast Program Development Fund to promote and assist in the production of high-quality television production; the Feature Film Fund established to assist the development, production and distribution of Canadian motion pictures; the Versioning Assistance Fund to assist in the subtitling or dubbing of Canadian and foreign theatrical and television productions into one or the other of Canada's two official languages, for domestic distribution; the Interim Financing Program to allow producers to begin production before all equity financing or other guaranteed revenues are in place; the International Marketing Assistance Fund to help increase the competitiveness of Canadian film and television productions in the international marketplace; and the Film Distribution Fund to support the role that distributors play in acquiring foreign films and investing in and distributing Canadian films.

178. On March 25, 1987, the *National Archives of Canada Act* was assented to. The new act reflects the immense technical, social and cultural changes that have occurred since passage of the *Public Archives Act* of 1912.

(*c*) and (*d*) Promotion of cultural identity as a factor of mutual appreciation among individuals and groups; and Promotion of the awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous peoples

179. In 1988, Parliament adopted the new *Official Languages Act*, which reinforces the linguistic rights of all Canadians. The Act provides that the English and French languages have equality of status in all institutions of the Parliament and Government of Canada and it recognizes the commitment of the Government to enhancing the vitality and supporting the development of English and French linguistic minority communities.

180. The *Canadian Multiculturalism Act*, adopted in 1988, sets out the new Multiculturalism Policy of Canada, which is more comprehensive than the policy initially enunciated in 1971 and which is designed to preserve and enhance the multicultural heritage of Canadians and to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada. The Act commits federal institutions to implement the Multiculturalism Policy throughout the Government of Canada. The Multiculturalism Secretariat was established in 1988 to support the ministerial efforts under the Act to encourage and promote cross-government implementation of the policy. Also, the Government announced new programs of financial and technical assistance, including Race Relations and Cross-Cultural Understanding, Community Support and Participation, and Heritage Cultures and Languages.

181. In September 1989, Bill C-37 was tabled in the House of Commons to establish a Canadian Heritage Languages Institute, the purpose of which is to encourage the preservation and use of heritage languages throughout Canada. Further, the Government has entered into aboriginal language agreements with Yukon and the Northwest Territories.

(*e*) Role of the media

182. In June 1988, following the publication of the report of the Task Force on Broadcasting policy (Caplan-Sauvageau Report) the Government announced a new broadcasting policy and legislation to provide more and better Canadian programming. The policy, entitled "Canadian Voices: Canadian Choices", committed the Government to spending $250 million in new money over the following four years to strengthen the production and distribution of Canadian broadcasting services. The money will serve to increase the percentage of Canadian programs on the Canadian Broadcasting Corporation network, to improve English- and French-language programming by both the public and private broadcasters, to provide better distribution services to smaller remote communities, to develop a new satellite distribution service for native broadcasters in the North and the new National Broadcast Reading Service for the Print-Handicapped. A new *Broadcasting Act* is before Parliament.

(*f*) Preservation and presentation of mankind's cultural heritage

183. In 1985, the Historic Area of Québec City, founded in 1608, was declared world heritage site under the *World Heritage Convention*. From June 30 to July 4, 1991, Québec City will host the International Symposium of World Heritage towns which it will co-sponsor with the federal and provincial governments and UNESCO. The Symposium is recognized as one of the activities in UNESCO's Decade for Cultural Development.

B. Right to enjoy the benefits of scientific progress and its application

(*a*) Institutional infrastructure

184. The federal government has set Canada on a new course aimed at achieving national economic and social goals through the more effective use of science and technology. The government has worked to bring together all sectors in seeking high standards of excellence in science and technology development and industrial innovation. Consensus was built through a series of meetings held since 1986, including the National Science and Technology Policy Forum held in Winnipeg in June 1986, the National Forum on Post-Secondary Education held

in Saskatoon in October 1987, the National Conference on Technology and Innovation hosted by the Prime Minister in Toronto in January 1988, and the National Forum of Science and Technology Advisory Councils held in Halifax in June 1989.

185. As a foundation for action, the Government formulated Canada's National Science and Technology Policy which was endorsed in March 1987 by the provincial and territorial governments, and launched, also in March 1987, the Canadian Strategy for Science and Technology, called InnovAction. The Strategy involves a number of specific initiatives, introduced by federal departments and agencies and designed to strengthen key areas of science and technology, particularly: industrial innovation and technology diffusion; development of strategic technologies; effective management of federal science and technology resources; human resources for science and technology; and public education in science and technology. InnovAction identifies these as areas requiring urgent action and is helping industry to develop and apply world-class technologies — helping Canada to respond to the international competitive challenge.

186. In 1987, a National Advisory Board on Science and Technology was established to advise the Prime Minister on domestic and international developments in science, technology and innovation. It is composed of eminent Canadians from the public and private sectors, including scientists, educators, and industry and labour leaders. A secretariat has been established to provide support to the Board. The first meeting of the Board, in February 1987, was chaired by the Prime Minister. The Board has been a major force behind a series of recent federal initiatives and its recommendations have helped shape policies and activities of the Government.

187. In 1989, the Ministry of State for Science and Technology was merged with the Department of Regional Industrial Expansion. The new Department of Industry, Science and Technology has been designed to link science and technology with Canada's competitive industrial capacity. It is an important economic policy department emphasizing excellence in science and the development and application of technology to promote a more internationally competitive industrial economy. The Department acts, throughout the federal government, as an advocate of the science and industrial communities.

(*b*) Highlights of federal initiatives

188. In 1988, the Government announced a $240 million five-year program for the establishment of national Networks of Centres of Excellence. In October 1989, 14 networks representing a cross-section of the natural and medical sciences and engineering were selected. They will stimulate leading-edge, fundamental research of importance to Canada's long-term industrial competitiveness. They will also support the training of highly qualified personnel in key areas of research. The program is administered jointly by the three university research granting councils — the Natural Sciences and Engineering Research Council, the Medical Research Council and the Social Sciences and Humanities Research Council. In 1988, the Government also allocated an additional $200 million over five years to the three granting councils to strengthen and stabilize their support for the broad base of research and training in Canadian universities.

189. The Canada Scholarships Program, designed to recognize and encourage outstanding students to pursue undergraduate degrees in the natural sciences, engineering and related disciplines, was established in 1988. The five-year, $80-million program, administered by the Association of Universities and Colleges of Canada on behalf of the Department of Industry, Science and Technology, provides for a minimum 2,500 scholarships annually, valued at $2,000 per year renewable for up to three additional years for a maximum value of $8,000. A minimum of 1,250 scholarships are awarded to women.

190. Other initiatives of interest to the present report include: the creation of the Science Culture Canada Program, which is designed to increase awareness of scientific and technological achievements and stimulate greater public understanding of the role and impact of science and technology; funding for the Royal Society of Canada to undertake a major program of research evaluation, promote equity for women in science and the academic community, and promote greater public awareness of science and technology; and funding to the Canadian Institute for Advanced Research, which develops high-quality research that deal with complex economic, social and intellectual problems.

(*c*) Expenditures for scientific activities

191. Canada's first report on articles 13-15 outlined the efforts made to increase the expenditures for research and development. Total expenditures were $5.348 billion in 1983, $7.221 billion in 1986 and $8.315 in 1989; in proportion of the gross domestic product, they increased from 1.32 percent in 1983 to 1.43 percent in 1986, declining since to 1.28 percent in 1989.

192. While the proportion of expenditures for research and development to the gross domestic product improved significantly during the 1980s compared to the previous decade, a comparison with a group of industrial countries indicates that in 1987 Canada continued to lag behind. The main difference appears to be in the proportion of funds contributed by the private sector. In most leading industrial countries, the private sector invests a much larger proportion of funds in research and development than in Canada. This is due in large part to the following factors: foreign-owned companies tend to do the research in their country rather than in Canada; Canada's industrial structure is composed of a large number of resource-based firms that do little research and development; Canadian industry generally has a lower relative propensity to perform research and development.

193. Federal government expenditures for science and technology amounted to $3.658 billion in the fiscal year 1983/84, $4.448 billion in 1986/87 and $5.054 billion in 1989/90. These funds were used to finance the research activities of many departments and agencies as well as in support of extramural scientific activities, as explained in the first report.

C. Protection of moral and material interests of authors

194. The first major amendments to the *Copyright Act* in more than 65 years was assented to on June 8, 1988. The Act now gives creators of computer programs explicit copyright protection. It provides for harsher penalties for commercial piracy, no matter the form of copyright material. The amendments restructure the Copyright Board, enhance moral rights for creators, and abolish the compulsory licensing for records. In separate legislation

implementing Canada's Free Trade Agreement with the United States in December 1989, a right of payment for retransmission (for example, by cable or satellite) was provided for creators of broadcast programming. The payment scheme is administered by the Copyright Board. Visual artists are granted exhibition rights, and choreographers obtain copyright for new forms of dance that have not been protected in the past. Further amendments to continue modernization of the *Act* are being prepared. These will deal with issues such as: provision of neighbouring rights; rental rights; exceptions for particular types of use.

195. Fundamental changes to the *Patent Act*, passed by Parliament in November 1987, are in effect since October 1, 1989. Marking the first major overhaul to modernize the Act since 1935, the changes are designed to speed the transfer of technological information to the Canadian business community, thereby encouraging innovation, increasing productivity, and making Canada more competitive internationally. The amendments also bring Canada into line with the majority of other industrialized nations and provide the means to help Canadians more effectively protect their inventions abroad. The main changes concern early publication, first to file, absolute novelty, the term of protection, maintenance fees, deferred examination, re-examination of patents, and the *Patent Co-operation Treaty.*

196. The new Act allowed Canada to ratify the *Patent Co-operation Treaty*. The Treaty was ratified on October 2, 1989, and came into effect in Canada on January 2, 1990. Canadians will be able to file for a patent in as many of the member countries (43 at that date) as they choose, with a single application filed in Canada. Until then, Canadian inventors had to file independently in each country where protection was desired.

D. International co-operation

197. The Department of Communications takes an active role in the activities of the International Telecommunication Union such as the Regional Administrative Radio Conference, the World Administrative Radio Conference, the World Administrative Telegraph and Telephone Conference, the Radio propagation research and the Plenipotentiary Conference. The Department has signed Memoranda of Understanding with China, Saudi Arabia and Morocco to encourage and facilitate closer co-operation with the telecommunications administrations of these countries.

198. Early in 1985-1986, the Minister of Communications announced an agreement between Canada, Québec, France, Belgium and Switzerland to participate in TV5, the international French-language television service. Canada has been supplying programs to TV5 Europe since January 1986, and TV5 Québec-Canada has been operating nine hours a day, seven days a week since September 1988.

199. Canada has entered into bilateral agreements in cinematographic and audiovisual production with eight European countries (including France and the United Kingdom) and twelve others (including China and the former USSR), and has signed a number of cultural agreements with various countries under which the participants have agreed to set up bilateral commissions to establish an ongoing official program of cultural and academic exchanges. Canada also participates in the tripartite Canada-Québec-France group on audiovisual material as well as in multilateral fora in the cultural field, notably at UNESCO, the European Community and the Council of Europe.

200. Canada is involved in a number of international initiatives of the Francophonie, including: rural radio, TV5 Québec-Canada, TV5 Europe and the "Consortium international francophone de formation à distance". The Department of Communications also sends representatives and participates financially in the work of the "Commission internationale du théâtre francophone", of which Canada, Québec, France, la Communauté Française de Belgique and Sénégal are members.

201. Canada plays a leading role in Commonwealth activities. It contributed $2 million to The Commonwealth of Learning, located in Vancouver, as part of the commitment of the Government of Canada to the development of a Distance Learning Network among Commonwealth countries.

202. In 1986, the Department of Communications sponsored the world fair, EXPO 86. The Department was able to showcase "Canada's best" in cultural products and programs as well as the latest in communications technologies.

203. In April 1986, the Department of Communications assumed responsibility for the UNESCO Film Certification Program. As part of an international agreement administered by UNESCO, this program determines the eligibility of Canadian film, video and other visual material for special customs treatment abroad.

204. The Canadian Commission for Unesco co-ordinates the activities of the World Decade for Cultural Development in Canada and it has received funding from the Government to launch activities on the occasion of International Literacy Year (1990). The Commission also co-ordinated the European Joint Study on the Role of Communications in the Cultural Development of Rural Areas.

B. GOVERNMENTS OF THE PROVINCES[*]

1. NEWFOUNDLAND

205. This submission will update to November 1989 the information contained in Canada's first reports under the Covenant.

Article 10: Protection of the family, mothers and children

206. *The Matrimonial Property Act*, referred to in the first report, has been replaced with *The Family Law Act*, S.N. 1988, c. 60. While the purpose of the Act, as set out in the first report, remains unchanged, *The Family Law Act* is broader in scope in that it encompasses all family property and financial matters, and contractual matters arising from domestic relations.

207. *The Support Orders Enforcement Act*, S.N. 1988, c. 58, provides for the creation of a province-wide Support Enforcement Agency which automatically enforces support orders on behalf of and at no cost to those entitled to receive support. In enforcing a support order, the Director is authorized to commence legal proceedings. A parent's ability to support a child is greatly enhanced by the assistance of the Agency which will automatically initiate legal enforcement proceedings upon default in payment by the person obligated to pay support.

208. *The Day care and Homemaker Services Act*, S.N. 1975, c. 67, regulates day care and homemaker services. Day care is defined as the regular provision of services and activities to children of school and pre-school age during the daytime period. Homemaker services include: (l) the care of a child or adult; (2) the purchase and preparation of meals and special diets; (3) housekeeping, exclusive of heavy or seasonal cleaning; (4) laundry and mending of clothing; (5) simple bedside care under the direction of a physician or visiting nurse; and (6) training of recipients in housekeeping and homemaking skills. In 1989, there were 13 active licensed homemaker agencies operating in the province.

209. From April to November 1989, subsidy expenditure for day care facilities by the Department of Social Services amounted to $1,325,347.91. In 1989, 119 licensed centres providing a total of 3154 spaces were operating in the province as illustrated in the table below.

210. *The Children's Law Act*, S.N. 1988, encompasses all those matters affecting the status of children, including the status of children born of unmarried parents, the determination of parentage of a child, custody of and access to a child, and the guardianship of the estate of a child.

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[*] Geographical order, from east to west.

TABLE: LICENSED DAY CARE FACILITIES

Licensed Centres	Number of Centres		Number of Spaces	
	Full-time	Part-time	Full-time	Part-time
Non-profit	10	36	363	804
Commercial	63	10	1743	244
Total	73	46	2106	1048

Article 11: Right to an adequate standard of living

211. *The Vegetable (Grading) Act*, R.S.N. 1970, c. 388, provides for the classification and grading of vegetables and the appointment of inspectors. Regulations under the Act detail requirements with respect to grading, produce standards, packaging and inspection.

212. The *Canada-Newfoundland Subsidiary Agreement on a Livestock Feed Initiative*, signed on 27 March 1987, is designed to promote the growth of a viable livestock feed industry by: (1) increasing the quantity and quality of feed produced in the province; (2) promoting the development and production of new or improved feeds; (3) improving production, processing and utilization systems; and (4) improving producers' technical and managerial skills related to feed production. The following programs are funded under the Agreement:

(*a*) the Capital Assistance Program, which provides assistance to farmers: to clear additional land, improve their existing land base and/or purchase additional land for the purpose of producing forage crops; to purchase additional forage equipment; and to construct the feed facilities required for an expansion in forage and livestock feed production;

(*b*) the Technology Development Program, which provides assistance for comprehensive feed variety evaluation, the development of new cropping systems, and the identification of livestock feeds that are suitable to Newfoundland;

(*c*) the Technology Transfer Program, which provides assistance for the introduction, testing and encouragement of technology related to the production of livestock feed;

(*d*) the Industry Support Services Program, which provides technical and financial assistance to facilitate improvements in the farm production and management capabilities of producers by insuring an adequate level of practical training.

213. The *Canada-Newfoundland Agri-Food Development Subsidiary Agreement*, signed on 21 June 1988, is designed: (1) to promote the growth of a viable Agri-Food Industry in the province through increased productivity, improvement in producers' management and technical skills, improved marketing practices, effective soil and land management, and modern agricultural support services; (2) to increase income and employment opportunities in the Agri-Food sector; (3) to contribute to increased diversification of the economic base of the province; (4) to increase the continuity of supply of selected fresh Agri-Food commodities to

residents of the province; and (5) to sustain the natural resource base on which the agriculture sector depends. The following programs are funded under the Agreement:

(*a*) the Soil and Land Management Program, which is designed to facilitate measures which will increase incomes, rationalize land use and lay the foundation for long term growth through improved conservation practices. Under this program, incentives are available to producers to undertake production changes which will increase efficiency of output and reduce erosion and pollution. Contributions are available for the purchase of idle farmland and for land clearing, in those situations where it has been demonstrated that such investment will improve the efficiency of the developing farm as an integrated production unit. A prerequisite for assistance is effective management of the existing land base as determined by an approved comprehensive farm plan. This program also enables development of infrastructure and services basic to a developed agriculture industry including access roads and electrical services;

(*b*) the Technology Enhancement Program, which is directed to the identification and development of technology to meet the particular environmental conditions of the province, and to the accelerated acceptance of such technology by the industry. Activities funded include: testing the commercial viability of new commodities under a variety of conditions; demonstrating production and management technology to improve productivity by testing crops, livestock, and poultry production systems which have been successfully utilized elsewhere; and communicating new technology information to the farming public. Farmers are assisted to initiate production changes where new technology would increase net farm incomes;

(*c*) the Human Resource Development Program, which is designed to provide practical training and experience to members of the industry. Assistance provided includes formal training, travel and information exchange, resource materials, etc.;

(*d*) the Market Development Program, which is designed to facilitate the identification of products which can be produced and marketed competitively. Financial contributions are available for identification and exploitation of marketing opportunities. Assistance is available for the establishment of a marketing infrastructure where there is a demonstrated need. The program also includes market promotion and a compilation and dissemination of marketing information.

214. The general public, including the agricultural community, is informed regarding the *Agri-Food Development Subsidiary Agreement* and programs through a comprehensive communications package. Funding is provided to Agri-Food groups engaged in implementing various parts of the Agreement.

Article 12: Right to physical and mental health

Protection of health

215. In 1986, the Department of Health developed a school food program called "We're Going Snack Happy." The program involves the dissemination of information to schools, the participation of parent groups, media promotion, and the improvement of the school environment. Evaluation of the program will be measured over time.

216. In 1987, the Department of Health participated in a joint federal-provincial project to develop national guidelines aimed at improving and maintaining infant and maternal health through proper nutrition during pregnancy. Copies of the guidelines were distributed to health professionals.

217. In 1988, the Department of Health promoted the concept of "healthy weight" via newsletters and presentations and teleconferences involving health, fitness, and education professionals. During Nutrition Month (March) further public promotion of the concept was achieved by means of slide/tape messages, radio advertising, community television shows, newspaper articles and flyers.

218. The Department of Health also developed educational packages which were distributed to family physicians, dietitians and public health nurses to assist them in counselling individuals screened to be "at risk" by the Atlantic Heart Health Survey. The package included a poster and handbook plus shopping and recipe suggestions for improving blood cholesterol levels.

Protection of the environment

219. The purpose of *The Environmental Assessment Act*, S.N. 1980, c. 3, is: (*a*) to facilitate the wise management of the natural resources of the Province; and (*b*) to protect the environment and quality of life of the people in the Province through environmental assessment procedures both before and after the commencement of an undertaking that may be potentially damaging to the environment. Registration of undertakings prior to commencement is required. The information contained in the registration is examined to determine whether an environmental impact statement is or may be required. The Act: (*a*) specifies the requirements of an environmental impact statement; (*b*) provides for written comments to be submitted by interested persons; (*c*) authorizes the appointment of an environmental assessment board to conduct public hearings where there is an indication of a strong public interest in an undertaking; (*d*) prohibits the issuance of a licence, permit or other document of authorization for an undertaking until the Minister has determined whether an environmental impact statement is required; and (*e*) authorizes the Minister to require the proponent of an undertaking to carry out environmental monitoring and rehabilitation studies and programs in order to determine the effectiveness of mitigation measures and to restore affected environment to ecologically and socially acceptable levels.

220. *The Dangerous Goods Transportation Act*, S.N. 1982, c. 45, regulates the transport of specified classes of products, substances and organisms. Provision is made for: (*a*) inspection to ensure compliance with the Act and Regulations; (*b*) the seizure of goods where necessary and the taking of other measures that are practicable to protect persons and property; (*c*) an offence based on failure to comply with safety requirements; and (*d*) a public inquiry to be ordered where a discharge, emission or escape of dangerous goods has resulted in death or injury to any person, danger to the health or safety of the public, or damage to property.

Article 13: Right to education

Right to primary education

221. In 1987, the school attendance age was raised to "under 16 years" from "under 15" (first report, paragraph 1341).

222. In addition to the responsibility of the parent or guardian to ensure the child attends school, school boards have a parallel responsibility to accept individuals seeking admission. In the case of children with physical disabilities, school boards are required to enrol them and to arrange for an appropriate means of instruction. The Department of Education provides funding to assist boards to renovate existing schools to make them accessible where necessary. New schools are required to meet accessibility standards when built. In addition, teacher aides are provided where appropriate, to assist students with physical disabilities.

223. With respect to rural areas, where schools are not within reasonable walking distance, bussing is provided. Also, the formula for determining the number of teachers required to staff a school is varied to provide for additional teachers for small rural schools and for districts in which the mean school size is low.

Right to secondary education

224. The opportunity to complete high school (grade XII) while continuing to live at home is available to students throughout the province. This includes small isolated communities such as those found on the coast of Labrador.

225. The Distance Education Program is a pilot project begun in 1988. Its purpose is to provide courses in advanced mathematics in rural areas where the number of interested students is insufficient to comprise a class. The teacher is stationed in Gander and communicates with students via a computer which permits two-way communication, a teleconference link-up and a facsimile machine. If the pilot project is successful, this use of technology will make it possible to offer a broader range of academic courses in rural and isolated communities.

226. Industrial and Business Education courses are offered at the high school level as optional courses in many schools in the province. If the high school does not have the necessary facilities, where feasible, facilities at vocational schools are used.

Special programs for native children

227. Additional funding is available for special programs, such as teacher aides and life skills instructors, for native students in both primary and secondary schools.

228. In order to increase the number of native persons qualified as teachers, Memorial University of Newfoundland offers a two-year diploma course and a four year degree program which qualify graduates to teach in the province. Funding is provided by the

federal-provincial Native Peoples Agreement. Some courses are taught on the Labrador coast in order to increase accessibility to members of the native community.

229. In addition, Curriculum Centres are operated by school boards administering schools in native communities. The Centres undertake such activities as translation of materials into native languages, development of life skills courses, and the organization of science fairs and drama festivals.

Right to higher education

230. A Community Colleges system has been established under *The Community Colleges Act*, S.N. 1987, c. 17. Colleges must: (1) offer programs leading to a certificate from the college, and courses culminating in a diploma from a Provincial Institute or a degree from Memorial University; (2) identify the educational needs of adults in the region and provide programs to meet those needs; and (3) run additional courses and programs determined by the Board to be in the public interest.

231. *The Provincial Institutes Act*, S.N. 1987, c. 16, provides for and regulates a Marine Institute and two Institutes of Applied Arts and Technology.

232. There has been a significant increase in the number of students pursuing studies at Memorial University. In comparison to the figures set out at paragraph 1351 of the first report, in 1988-89, there were 11,528 full-time and 4,032 part-time undergraduate students, and 514 full-time and 547 part-time graduate students.

Fellowship system

233. The fellowships identified at paragraph 1358 of the first report have been increased to $6,500 for a Masters program and $8,000 for a Doctoral program. Approximately $1,200,000 is awarded annually.

Improvement of the material conditions for teaching staff

234. The Employee Assistance Program for teachers, funded jointly by the Department of Education, the School Trustees Association and the Newfoundland Teachers Association, has been established to help teachers with physical or mental problems arising from drug or alcohol abuse, stress, etc. In April 1989, a full-time program co-ordinator was hired to conduct an assessment of each case in order to identify an appropriate counselling or rehabilitative service. The co-ordinator also conducts workshops for teachers and school boards to explain the program. Where necessary, sick leave is available whenever a teacher is receiving assistance through the program.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress

235. Since the last report, an Arts and Culture Centre has been established in the Labrador portion of the province.

236. The Department of Municipal and Provincial Affairs, which now has responsibility for cultural issues, operates a Secondary Circuit Venues Program. The objective is to arrange, promote and assist in the production of live performances in small communities.

237. In 1985, *The Historic Resources Act*, S.N. 1985, c. 33, was passed. The objectives are the protection, preservation, orderly development, study, interpretation, and promotion of appreciation of the historic resources of the province. The Act: (1) regulates archaeological investigations and title to archaeological objects; (2) provides for the declaration of historic sites and provincial cultural properties; and (3) continues the Heritage Foundation of Newfoundland and Labrador. The objects of the Foundation are: (1) to stimulate an understanding of and an appreciation for the architectural heritage of the province; (2) to support and contribute to the preservation, maintenance and restoration of buildings and other structures of architectural or historical significance; and (3) to contribute to the increase and diffusion of knowledge about the province's architectural heritage.

2. PRINCE EDWARD ISLAND

Article 10: Protection of the family, mothers and children

238. The *Custody Jurisdiction and Enforcement Act*, proclaimed in December 1984, has the following purposes (summary): (*a*) to ensure that custody of children as granted by the court will be determined on the basis of the best interests of the children; (*b*) to ensure that, in cases of child custody, concurrent exercise of jurisdiction by judicial tribunals of more than one province may be avoided; (*c*) to discourage the abduction of children; (*d*) to provide for more efficient enforcement of custody orders.

239. In 1986, the provincial legislature, by amendment to the *Vital Statistics Act*, repealed the requirement that a child of married parents be registered in its father's surname and replaced it with a provision permitting the child to be registered in the name of the mother or the father, if the mother and father jointly request.

240. In 1987, the P.E.I. Government passed a new *Child Care Facilities Act* to replace the previous 1973 legislation, which had been found to be no longer adequate to deal with the current issues in day care. The new act clears up several ambiguities which were found in the old act and is more functional by using definitions and procedures which are simpler and more specific. It also requires that two members of the Child Care Facilities Board be representatives from the Early Childhood Development Association.

241. Also in 1987, the *Child Status Act* was passed. This act was established to provide for the equal status of all children by abolishing any distinction between the status of a child born inside marriage and a child born outside marriage. The Act also provides procedures for establishing parentage and for recognizing extra-provincial determinations of paternity.

242. Another new statute in 1987 was the *Pay Equity Act*, which gave effect to the recommendations contained in the report of the Equal Pay for Work of Equal Value Committee established by the Premier. The object of the Bill, as stated in its section 2, is the achievement of pay equity by redressing systemic gender discrimination in wages paid for work performed by employees in female-dominated classes. The Act also requires pay equity to be maintained once achieved. Systemic gender discrimination is identified by comparison of female job classes and male job classes in terms of relative wages and the relative value of work performed. The Act applies to the public sector, which includes not only the Government, but various crown agencies, universities and colleges, and hospitals and nursing homes.

243. *An Act to Amend the Workers' Compensation Act*, effective in 1985, increased payments under the Act to widows, widowers, and dependent children of persons accidentally killed at work.

244. Subsequent legislation in 1987 aimed at the protection of children was an amendment to the *Workers' Compensation Act* to permit a child who has been employed contrary to the

Minimum Age of Employment Act to nevertheless make a claim for compensation for injuries under the *Workers' Compensation Act*; the amendment provides that the unlawful employment does not affect or prejudice the rights of the child to make such a claim.

245. A 1987 amendment to the *Young Offenders (P.E.I.) Act* provides for custody facilities for the sole use of young offenders, so that they will be segregated from mature persons who are serving sentences.

246. In 1988, the Government of Prince Edward Island passed the *Maintenance Enforcement Act*. The Act establishes a provincial officer entitled the Director of Maintenance Enforcement who assumes a proactive role in enforcement for the benefit of a person entitled to support. The Director has broad powers to demand and receive information from the records of government and private individuals for the purpose of locating a respondent. The act provides enforcement remedies, including the recognition of extra-provincial garnishment orders, registration of the order as a charge against land, default hearings, the giving of security and the power to arrest the debtor and bring him before the court. It also gives maintenance and support orders priority over other judgment debts up to the amount of one year support.

247. A 1988 amendment to the *Family and Child Services Act* improves the wording of the section relating to the reporting of child abuse and amplifies the indemnity conferred on a person reporting child abuse by extending it to persons who assist in an investigation of abuse.

Article 11: Right to an adequate standard of living

248. An amendment to the *Human Rights Act*, effective in 1985, added mental disability to the act as a prohibited basis of discrimination in all areas covered by the Act including access to accommodation, services and facilities.

249. The *Community Care Facilities and Nursing Homes Act* established a Community Care Facilities and Nursing Homes Board whose primary object is to ensure the provision, in community care facilities, of accommodation and care services and, in nursing homes, of nursing services, which are safe, of good quality, and appropriate to the needs of the residents. Community care facilities are residential establishments that provide living accommodation and care services to five or more persons who are not members of the operator's immediate family. Nursing homes are establishments which provide nursing services, in addition to accommodation and care services.

250. In 1987, the *Food Technology Centre Act* established a crown corporation charged with the responsibility of providing a centre of expertise to assist in the development of the food processing industry in the province. The Centre is to provide advice to the Minister of Agriculture and make available technical and analytical capabilities necessary for the promotion, development, and evaluation of food processing technologies.

251. In 1988, the P.E.I. Government totally revised its landlord and tenant law by passing the new *Rental of Residential Property Act*. Replacing the previous *Rent Review Act* and the residential portion of the *Landlord and Tenant Act*, this new statute came about after a special committee investigation. It provides new administrative remedies for lessees and lessors, thus

eliminating costly and time-consuming court procedures. The Act provides for the appointment of a Director of Residential Rental Property, statutory conditions which apply to all rental agreements, special statutory conditions applicable to mobile home sites, remedies for the enforcement of statutory conditions, a standard form of rental agreement, a means for resolutions of disputes with respect to the return of security deposits, a remedy for early termination for non-payment of rent, a delineation of special causes for which the rental agreement may be terminated and for the review by the Director of rent increases which exceed the allowable percentage limit. The major substantive aspect of this new legislation is that it provides for security of tenure for lessees; a lessor may terminate a rental agreement only if one of the delineated causes pertains. Decisions of the Director of Residential Rental Property may be appealed to the County Rental Board, whose decision is final and may be challenged in the court only with respect to issue of law and jurisdiction.

Article 12: Right to physical and mental health

252. The *Pharmacy Act*, proclaimed in 1983, regulates and controls the licensing of pharmacists and the certification of pharmaceutical clerks as well as the issuing of permits to pharmacies. The Act also outlines standards for practice and regulations for substitute prescription products (e.g. generic drugs and equivalents).

253. An amendment to the *Dairy Products Act* in 1983 defined the powers of dairy product inspectors to enter at any reasonable time a place where dairy products are produced to take samples of any such products for purposes of analysis, and to seize any such products or processing equipment if there is reason to believe the act has been contravened.

254. A 1984 amendment to the *Liquor Control Act* permits a provincial court judge, in sentencing persons for alcohol related provincial offenses, to grant a discharge with conditions to such persons when the judge considers them to be in need of curative treatment.

255. The *Pesticides Control Act*, proclaimed in 1984, regulates and controls the sale, use, storage and disposal of pesticides and provides for the licensing of pesticide services and vendors. The Act also created a Pesticides Advisory Committee whose functions are: to review the Act annually and make recommendations for revisions; to inquire into matters concerning pesticides and report to the Minister responsible for the Act; and to perform other functions as required.

256. In 1985, the provincial government passed the *Occupational Health and Safety Act* to secure employees and self-employed persons from risks to their safety, health, and physical well-being arising out of, or in connection with, activities in their work places.

257. In 1985, the *Dangerous Goods (Transportation) Act* was also proclaimed. This act provides for the regulation and inspection of dangerous goods being transported within the province.

258. In 1986, the *Drug Cost Assistance Act* and *Regulations* established a subsidization program for prescription drugs for persons 65 years of age or older.

259. A 1987 amendment to the *Workers' Compensation Act* expands its applicability to persons suffering from industrial disease.

260. A new *Environmental Protection Act* in 1988 was designed to enable the Government to more effectively manage, protect, and enhance the environment of Prince Edward Island. The object of the Act is to take a positive approach to environmental protection and to improve the process through which environment and development decisions are made. The scope of environment management, protection, and conservation is broadened in the Act to include water, air, land, and plant life and animal life, including humans.

261. Also in 1988, a *Victims of Crime Act* was passed to establish a criminal injuries compensation program and victims surcharge system. Included in the principles outlined in section 2 of the Act is: (*c*) victims should be informed of and should have access to services including social, medical, legal, and mental health assistance.

262. Further legislation in 1988 which addressed physical and mental well-being was the *Adult Protection Act*, passed to recognize responsibility for the provision of assistance and protective services to dependent adults who are incapable of providing necessary care for themselves or who are the victims of abuse or neglect by those responsible for their care. Modeled on child protection legislation, this act declares principles which reflect the balance between society's obligation to intervene in cases of abuse or neglect and an individual's right to self-determination. The paramount consideration is the best interests of the person and the least intrusive form of intervention is preferred.

Article 13: Right to education

263. In 1985, the *School Act*, was amended to provide for French-language education availability for children of Canadian citizens resident in the province whose mother tongue is French and who have the right, pursuant to section 23 of the *Canadian Charter of Rights and Freedoms* (*Constitution Act, 1982*), to have their children receive primary and secondary school instruction in French. This is to be available only if the number of such children is sufficient to warrant providing them with minority language education out of public funds.

264. The above amendment was replaced by a further one in 1988 to provide that where numbers warrant, French-language instruction is to be provided in accordance with the Regulations to children of citizens of Canada who have the right under section 23 of the Charter to have their children receive primary and secondary school instruction in French in the province. "French-language instruction" is defined to mean a school program in which the language of instruction is French, but to not include the French immersion programs. The clause "where numbers warrant" is defined in the Regulations as 25 children within any three consecutive grade levels.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

265. In 1987, the Prince Edward Island Government passed the *Archeological Sites Protection Act*, which permits the Minister of Community and Cultural Affairs to designate as an archeological site, land of pre-historical or historical significance and to direct that any artifact acquired from an archeological site be deposited with the provincial museum or other public institution to be held in trust for the people of Prince Edward Island. The Act prohibits anyone from excavating or altering any archeological site, removing any artifact therefrom or

carrying on any archeological investigation unless the person is a holder of a permit from the Minister. The Minister will grant permits only after consultation with an advisory board, which is to consist of a representative of the Prince Edward Island Museum and Heritage Foundation, the Provincial Archivist and a representative of the University of Prince Edward Island.

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3. NOVA SCOTIA

Introduction

266. This report of the Province of Nova Scotia on articles 10-15 of the Covenant provides information not already mentioned in the previous reports and information on new developments since then, up to and including December 1989.

Article 10: Protection of the family, mothers and children

A. Protection of the family

267. The Department of Housing administers, through the new *Housing Act*, S.N.S. 1983, c. 6, 17 housing programs which have as their goal the improvement of the housing conditions of disadvantaged individuals and groups. The programs serve, among others, seniors, persons with disabilities, the indigenous peoples and lower- and middle-income families.

268. Funding is provided for family counselling programs by the Nova Scotia Department of Community Services to several agencies throughout the province.

269. The Day Care Services Program of the Department of Community Services is responsible for the licensing of all pre-school facilities which provide care for children and for administering the subsidy program which is available to lower-income families which place children in registered day care centres. As of December 1989, 2,111 families received subsidized day care.

B. Maternity protection

270. The Maternal and Child Health Program is the primary prevention program of the Nova Scotia Department of Health and Fitness. This program includes prenatal education in the homes and in clinics, postnatal and infant home visiting and health assessment and supervision. Special attention is given to the promotion of breast-feeding, smoking cessation and immunization. A pamphlet entitled "Year One, Food for Baby" is distributed to parents of all new-born children in the province.

271. The Nova Scotia *Labour Standards Code*, S.N.S. 1972, c. 10, guarantees a mother a right to return to her job following her maternity leave if she had been employed by the same employer for 12 months or more. The Nova Scotia *Human Rights Act* prohibits discrimination against pregnant women in all areas of public life.

272. The *Family Benefits Act*, S.N.S. 1977, c. 8, provides for assistance to single parents, whether they are single mothers or single fathers, as a result of the decision in the case of *Charles Phillips v. The Attorney General of Nova Scotia*.

273. Survivor benefits are paid to residents of Nova Scotia in general through private pension and insurance schemes. However, the *Workers' Compensation Act*, R.S.N.S. 1967, c. 343, section 30, provides for payment of a spouse's special award and a pension on behalf of herself/himself and a pension on behalf of each child under the age of 18 (or 21 if in school) where it has been shown that the death of the worker was due to injury at the place of work.

C. Protection of children

274. The *Children's Services Act*, S.N.S. 1976, c. 8, is the main statute dealing with the various aspects of protection of children. A 1984 amendment makes it obligatory for anyone who has any information indicating that a child is in need of protection to report this information to a children's agency.

275. The Nova Scotia Department of Community Services administers a "care and custody" program which involves both planning for and supervising children whose legal guardianship has been transferred from the natural parent(s) to either a children's service agency or the Department of Community Services through the Family Court. Children, in many cases, are returned to the natural parent(s) when they are better able to look after them. Children, during their absence from the family home, are cared for in foster homes which provide as natural a family environment as is possible. Children unable to return to their natural parent(s) are placed for adoption.

276. Physically or mentally disabled children have an array of services ranging from training centres providing personal care and training, a resource centre for visually impaired children and a resource centre for hearing impaired children.

277. The administration of the *Young Offenders Act* (which is federal legislation) is the responsibility of the province. Under this Act, young offenders are segregated from adults and treated appropriately to their age and legal status. In the spring of 1988, the Nova Scotia Youth Centre opened. Young offenders now have a wide range of educational and special needs programs offered to them while in custody.

278. The minimum wage for persons under the age of 18 is $4.05 per hour. Persons over the age of 18 receive $4.50 per hour.

Article 11: Right to an adequate standard of living

A. General measures

279. The Family Benefits Division of the Nova Scotia Department of Community Services is responsible for the administration of provincial income support programs, e.g. family benefits, pharmacare, assistance to diabetics and financial aid for senior citizens. The number of persons in receipt of family benefits as of November 31, 1989 was 24,798. The average monthly benefit was $529.00. The number of persons benefiting under the program, represents 3 percent of the population of Nova Scotia.

B. Right to adequate food

280. The *Aquaculture Act*, S.N.S. 1983, c. 2, promotes aquaculture by: (*a*) providing an environment in which aquaculture may flourish; (*b*) establishing the quality of water so that maximum aquaculture produce may be harvested; and (*c*) providing those persons engaged in aquaculture with a property right in the area licensed or leased and in the aquaculture produce being cultivated.

281. There are several commodity marketing boards operating in the province under the general supervision of the Natural Products Marketing Council. These boards have improved communications between producers and retailers, facilitating access to markets and stabilizing prices.

282. Co-operatives are now a major economic force in the province and are set for significant increases in the years to come. Agriculture marketing cooperatives account for 70 percent of the sales with over 80 percent of all farmers being members of a marketing co-operative.

283. The Nutrition Education Program administered by the Nova Scotia Department of Health and Fitness, to disseminate knowledge of the principles of nutrition, is designed to promote good health and prevent illness. It operates a school nutrition program and provides a consultative service to the Day Care Division of the Department of Community Services.

C. Right to adequate clothing

284. Benefit payments made to residents of Nova Scotia who receive financial assistance from any level of government include a clothing allowance. In addition, there are many volunteer agencies which distribute clothing to needy families as well as numerous outlets which sell second-hand clothing at very reasonable prices.

D. Right to housing

285. The *Human Rights Act*, as a result of a 1982 amendment, prohibits discrimination in rental housing accommodation against persons in receipt of income maintenance payments under the terms of a court order or separation agreement.

286. The *Residential Tenancies Act*, S.N.S. 1970, c. 13, is the principal statute governing relations between landlords and tenants. Landlords cannot charge application fees from would-be tenants to process their application. The Act also governs the notice period to be given to tenants to vacate their premises.

287. The Rent Review Board governs the amount a landlord can charge for rent. It also places a ceiling on the amount of annual rental increase allowed.

Article 12: Right to physical and mental health

288. In addition to the information provided under articles 10 and 11, a dental program operated by the Nova Scotia Department of Health and Fitness provides both preventive service and curative treatment without cost to children under the age of 16.

289. Immunization clinics are held throughout the province on a regular basis to offer pre-school and school-age children (and adults) protection against vaccine preventable diseases. Although immunization is not mandatory, it is believed that up to 99 percent of children in Nova Scotia are immunized.

290. The new *Occupational Health and Safety Act*, S.N.S. 1985, c. 3, provides extended protection to employees at the workplace granting them the right to refuse to work if they have reasonable grounds for believing that the act may endanger their health or safety or the health or safety of any other employee.

291. The Province of Nova Scotia, as a result of the new federal *Canada Health Act*, has banned extra-billing by physicians for health services.

292. The amount of the provincial budget allotted to health care has steadily increased over the past 5 years and is at present well over 50 percent of the provincial budget.

293. The 1987, the Province set up a Provincial Task Force on AIDS to gather information and to provide advice to the government. The Task Force released its report in 1989 and in the fall of 1989 the Province appointed an AIDS Commission which has as its mandate to gather and disseminate information on AIDS and to provide advice to the Minister of Health.

294. *The Dangerous Goods and Hazardous-wastes Management Act*, S.N.S. 1986, c. 7, applies to the handling of dangerous goods for any purpose and to the handling of hazardous waste on property owned. The Act requires that persons responsible for dangerous goods make notification regarding their location, approximate quantities at each place, general purpose for which they are kept and precautions being taken for handling and storing them. Persons responsible for a hazardous waste shall make notification regarding its location, approximate quantities at each place and its intended treatment or place of disposition. Persons responsible for dangerous goods and hazardous waste must have a contingency plan in case of spills or accidents.

295. The *Environmental Assessment Act*, S.N.S. 1988, c. 11, requires that an assessment for any large projects such as power generating stations, mines, four-lane highways be made early in the planning stages, for potentially damaging environmental impact. The Act also provides for public consultation respecting the potential environmental impact of an undertaking. Large projects must be determined to be environmentally safe and must receive approval under this Act.

Article 13: Right to education

296. As a result of the 1981 amendment to the *Education Act*, R.S.N.S. 1967, c. 81, the seven regions which have substantial francophone and/or Acadian populations have access to French-language education.

297. In March 1989, the Appeal Division, Nova Scotia Supreme Court, in the case of *Cape Breton District School Board v. Comité pour l'Éducation Française à Sydney*, ruled that French classes should be established in Sydney in order to guarantee the rights of the

francophone minority population as prescribed under the *Canadian Charter of Rights and Freedoms.*

298. The Ethnic Services section of the Nova Scotia Department of Education, established in 1975, has been discontinued. A new position of Consultant for Multicultural Education was created in 1988.

299. As a result of the new *Vocational, Trades, Technical and Technological Training Act*, S.N.S. 1986, c. 18, the province's 14 vocational schools and its 3 institutes now have the status of community colleges. In addition, the Collège de l'Acadie will offer French-language instruction. All community colleges provide post-secondary training and education to qualified students at minimal fee. These colleges also allow students to attend on a part-time basis enabling them to maintain employment at the same time.

Article 15: Right to take part in cultural life and enjoy the benefits of scientific progress and the protection of interest of authors

300. The new *Provincial Parks Act*, S.N.S. 1988, c. 18, provides opportunities for exploration, understanding, and appreciation of Nova Scotia's natural and cultural heritage through interpretation, information, and educational programs. The parks are open and free of charge to everyone. Several have had facilities installed to make them accessible to persons with mobility restrictions.

301. The *Culture, Recreation and Fitness Act*, S.N.S. 1973, c. 14, was repealed in December 1987. The Fitness component has become part of the Department of Health and Fitness; the Culture component has become part of the Department of Tourism and Culture; and the Recreation component has become part of the newly created Nova Scotia Sport and Recreation Commission. The object and purpose of the Nova Scotia Sport and Recreation Commission is to enhance the quality of life of Nova Scotians through the development, encouragement, establishment, co-ordination, implementation and promotion of sport and recreational programs and services, while at the same time preserving and developing the traditional values, quality of life, and the environment, of Nova Scotians.

302. The *Multiculturalism Act*, S.N.S. 1989, c. 10, promotes multiculturalism in the province by encouraging recognition and acceptance of a multicultural society and by establishing a climate for harmonious relations among people of diverse cultural and ethnic backgrounds. A Co-ordinator of Multiculturalism has been appointed to liaise with all multicultural groups across the province and with the newly created Advisory Committee on Multiculturalism.

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4. NEW BRUNSWICK

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303. The Province of New Brunswick continues to enforce the laws and to carry out the programs and activities related to the implementation of articles 10-15 of the Covenant as outlined in previous reports, with the following changes.

Article 10: Protection of the family, mothers and children

A. Protection of the family

Principal laws

304. The *Child and Family Services and Family Relations Act*, mentioned in the first report on articles 10-12, has been renamed the *Family Services Act*, R.S.N.B. 1973, c. F-2.2. The Act continues in effect with substantive amendments in two areas and with evolving programs and activities falling under its aegis. A 1986 amendment to section 33(1) sets out responsibilities and procedures for acting when there is reason to believe a child has been abandoned, physically or emotionally neglected, or physically or sexually mistreated. A 1988 amendment to section 142 establishes the right to seek recovery of the costs of services on the part of a person in receipt of social services as a result of having suffered personal injuries due to the negligence or wrongful act of another person.

305. The *Judicature Act*, R.S.N.B. 1973, c. J-2, sets out the matters over which the Family Division of the Court of Queen's Bench has jurisdiction. In addition to those matters noted in the Province's initial report, jurisdiction has been extended to include under Schedule A: in part (*l*), proceedings in relation to parentage; in part (*o*), declaration of status, including parentage; in part (*q*), charges or proceedings against a person under the age of eighteen years rather than sixteen years; part (*s*.1), charges or proceedings under the *Young Offenders Act*, chapter 110 of the Statutes of Canada, 1980-81-82-83.

306. It should be noted that in Schedule A "family" includes a man and a woman living together as husband and wife, whether or not married, in a permanent relationship or the survivor of either, and includes the children of both or either, natural or adopted or to whom either stands *in loco parentis*, and any person lawfully related to any of the aforementioned persons.

307. As well, additional acts now come under the jurisdiction of the Family Division of the Court of Queen's Bench as set out in Schedule B of the *Judicature Act*. These include the *International Child Abduction Act*, the *Marital Property Act* and the *Young Offenders Act*.

Establishment of a family: provision of housing and other grants

308. The *New Brunswick Housing Act*, R.S.N.B. 1973 c. N-6, established a Housing Corporation. Both federal/provincial and unilateral provincial programs are administered to

assist low- and modest-income families, seniors, singles and disabled persons to obtain and/or maintain affordable, adequate and suitable homes.

309. The Residential Rehabilitation Assistance Program and the Home Improvement Loan Program provide assistance to restore health and safety standards, or to adapt for disabled occupants. Grants and repayable loans of up to $1,500 each can be obtained through the Emergency Repair Program to help eligible homeowners with urgent repairs. Owners of partially finished homes can acquire up to $20,000 under the Home Completion Loan Program to conclude outstanding work. The Downpayment Assistance Program provides a second mortgage, which may be subsidized, enabling low income households to acquire their first home. Maximum house costs qualifying for downpayment assistance are determined by the Housing Corporation. Rural households in need may acquire rental, lease-to-purchase or ownership tenure under the Rural and Native and Basic Shelter Programs. Repayment of these loans is dependent on ability to pay.

310. The Rent Supplement Program subsidizes low-income households in private rental accommodation; the Non-Profit Program provides subsidization of annual operating costs for third sector sponsors to own and manage rent-geared-to-income projects; and the Public Housing Program provides public owned rental units. Rents are based on household income.

Measures aimed at strengthening the family

311. The Housing Corporation provides family lifestyle enrichment and security by enhancing life skills through the Home Orientation and Management Program and improving living environments through the Community Involvement Program.

B. Maternity protection

Principal laws

312. There have been modifications and additions to the maternity leave provisions of the employment standards legislation. Under section 43 of the new *Employment Standards Act*, S.N.B. 1982, c. E-7.2, as amended, a pregnant employee is entitled to a leave of absence without pay of 17 weeks. In the event of the death of the mother or serious illness, the father of the newborn child is entitled to receive from his own employer a period of leave equivalent to the unused portion of the mother's leave.

313. Section 44(1) provides that upon the expiration of the leave an employee is entitled to resume work in the position held prior to taking the leave or in an equivalent position with no decrease in pay or loss of benefits accrued up to the commencement of the leave. By virtue of section 44.04(2), an employee who has been granted a leave of absence under the Act retains seniority accrued up to the commencement of the leave and continues to accrue seniority during the leave at the same rate of accrual that would have occurred had the employee not taken the leave. Furthermore, an employer cannot dismiss, suspend or lay-off an employee who has been granted a leave under the Act during the leave of absence or for reasons arising from the leave alone.

314. The Supreme Court of Canada decision in the case of *Brooks and Canada Safeway Limited*, dated May 4, 1989, provides the basis for considering discrimination on the basis of pregnancy as discrimination on the basis of sex. In consequence, the New Brunswick Human Rights Commission now accepts complaints of discrimination on the basis of pregnancy under the sex discrimination provisions of the New Brunswick *Human Rights Act*, R.S.N.B. 1973, c. H-11.

Specific measures to assist mothers to maintain their children in case of death or absence of husband

315. The *Social Welfare Act*, R.S.N.B. 1973, c. S-11, provides for social assistance payments to be made to a single parent or any person in need. Further, low-income parents, including those on social assistance, qualify for a day care subsidy. If they are home owners, those receiving social assistance are also eligible to apply for property tax exemptions under the *Residential Property Tax Relief Act*, R.S.N.B. 1973, c. R-10.

316. Where there is a separation or divorce, application is made through the family courts for a maintenance order or the enforcement of a maintenance agreement.

317. Special financial assistance is available to pregnant or parenting teenagers as well as support services to enable them to develop the necessary skills to appropriately parent, or return to school, or to enter the work force.

318. Section 4(1)(*g*) of the *Assessment Act*, R.S.N.B. 1973, c. A-14, which provided for exemptions from taxation for property owned by women, was repealed in 1986 and replaced by a gender neutral provision in the *Residential Property Tax Relief Act*. Section 6.1(1)(*b*) of this Act allows a reduction of up to $200 from taxes owing provided the income of the owner/occupier alone or in combination with the person's spouse or co-habitant does not exceed $9500.

C. Protection of children and young persons

Children with learning disabilities

319. The agreement between the Department of Education and the Department of Health and Community Services to provide children with learning disabilities or behavioral problems with social work services in the school setting is no longer in effect. Services to learning-disabled students are now provided through programs administered by school districts.

Provisions governing work by children and young persons

320. Although the Department of Labour does not have readily available information with respect to the number of children/young persons in a particular age group who are working at any point in time, an indication of the number of children/young persons under the age of 16 who have worked in any given year can be ascertained by examining the number of work permits issued to such persons by the Director of Employment Standards in that year. Since

1986, the following numbers of work permits have been issued for persons under the age of 16: 259 in 1986; 336 in 1987; 508 in 1988; and 956 in 1989.

321. While the application form for a work permit for a person under 16 requires the applicant employer to indicate the type of work to be performed by the person for whom the permit is sought, this information is not readily available in statistical form. The Director of Employment Standards has established, however, that the greatest number of work permits issued per year authorize persons under the age of 16 to work in the fast food industry, in fish processing plants and in work orientation workshops offered by school districts.

Article 11: Right to an adequate standard of living

322. The *Social Welfare Act*, R.S.N.B. 1973, c. S-11, has absorbed coverage previously provided under the *Disabled Persons Allowance Act*, R.S.N.B. 1973 c. D-11, and the *Old Age Assistance Act*, R.S.N.B. 1973, c. O-3. The *Social Welfare Act* now provides payments to those in need, regardless of age, as well as to those who have physical or mental disabilities.

B. Right to adequate food

Agrarian system and utilization of natural resources

323. The New Brunswick Department of Agriculture administers 40 acts concerning food production and utilization of natural resources. It provides its services through various branches and sections.

324. The Land Resources Branch provides technical support services to the field crops industry. It provides for soil, land information, feed and tissue laboratory analysis, land type and quality surveying and climatology service. Engineering staff provide advice and technical support services regarding farm structures, farm machinery, environmental protection and pollution control, farm land drainage, soil and water conservation, irrigation and other agricultural engineering matters.

325. The Plant Industry Branch provides for plant health and disease monitoring and eradication along with specialist services in cereal and forage crop development, variety and fertility evaluations. Expertise in fruits and vegetables is also provided to field staff and the farm community.

326. The Animal Industry Branch is concerned with the support and expansion of viable livestock and poultry units throughout the province. Policies are designed and administered to encourage improvement of quality, sound flock, and herd health, as well as increased efficiency of production.

Measures taken to improve methods of production and the quantity and quality of food produced

327. The provision of agricultural training to adults is a responsibility of the Department of Advanced Education and Training. English services are co-ordinated by the New Brunswick

Community College, Woodstock, and French services by the New Brunswick Community College, Edmundston (from its Grand Falls location). Additionally, the Province supports regional agricultural training programs at the Nova Scotia Agricultural College, Truro. These training activities serve in part to apply improved agricultural techniques and scientific knowledge.

328. Under the Farm Management and Finance Branch of the Department of Agriculture, credit and other forms of financial assistance are available to viable agricultural operations under the guidelines of the *Agricultural Development Act*. The Branch also administers the *Farm Machinery Loans Act* and the *Livestock Incentives Act*. The Branch also provides farmers with a range of training opportunities in farm management and assists New Brunswick farmers to adopt appropriate and effective farm management practices.

329. The Marketing Branch of the Department co-ordinates and provides support services for the marketing activities of the various branches and for various agricultural commodity marketing boards and associations in the province. This encompasses the delivery of services in the areas of market development, promotion, market information, distribution, market research and planning. The Market Organization and Inspection Branch provides the funding and administrative support for the Dairy Products Commission, and the Farm Products Marketing Commission. The Branch also provides inspection and enforcement services under the *Dairy Products Act*, *Natural Products Grades Act*, *Dairy Industry Act*, *Oleomargarine Act* and the *Imitation Dairy Products Act*.

330. The *Social Services and Education Tax Act*, R.S.N.B. 1973 c. S-10, makes provision that no tax will be charged on plastic film for farmers, and on over-the-counter sales of biological and medicants to farmers for treatment of livestock. The *Assessment Act*, R.S.N.B. 1973 c. A-14, provides for the elimination of the provincial property tax on farm outbuildings.

331. New Brunswick, in co-operation with the federal government, has promoted the development of the cage culture industry for Atlantic salmon. The *Aquaculture Act*, passed in 1988 but not yet in force, will encourage and guide the orderly growth of this major new seafood. The training programs of the New Brunswick School of Fisheries and Aquaculture have been adapted to meet the needs of that industry in all regions.

332. In addition to the *Plant Disease Act* and the *Weed Control Act*, the *Potato Disease Eradication Act* and the *New Brunswick Grain Act* are also designed to protect and improve crops and resources.

333. The *Fisheries Bargaining Act*, S.N.B. 1982 c. F-15.01, provides the collective bargaining framework within which organizations of fishermen and buyers of fish or buyers' organizations must operate for purposes of concluding a collective agreement. The collective agreement contains terms and conditions concerning the supply of fish and the price of fish supplied to a buyer by a fishermen.

Participation in international co-operation

334. The Department of Agriculture is the executive agency for four agricultural development projects funded by the Canadian International Development Agency. These projects are in

Malawi, Lesotho, Nicaragua and China. The first three projects are dairy development activities, while the project in China is in potato breeding and disease research.

D. Right to housing

335. The New Brunswick Housing Corporation is given the power in paragraphs 10(1)(*g*), (*h*) and (*i*) of the *New Brunswick Housing Act*, as amended, to:

> (*g*) subject to the regulations, provide financial or other assistance to a person or non-profit corporation seeking to purchase, construct, alter, add to or repair a residential housing unit or seeking to repay a loan in respect of such residential housing unit;
>
> (*h*) subject to the regulations, provide financial or other assistance to a person or non-profit corporation to assist with the cost of housing, including rental supplements, shelter allowances, heating costs, payment of provincial or municipal property taxes and the repayment of loans;
>
> (*i*) subject to the regulations, provide financial or other assistance to a person seeking to repair, upgrade or maintain his residence, including repairs, upgrading or maintenance to the structure of the residence and the septic, plumbing, heating or electrical systems, so as to provide affordable, suitable and adequate housing.

336. The *Assessment Act*, R.S.N.B. 1973 c. A-14, provides for a $200 property tax reduction for persons 65 years of age and over.

Measures taken to solve the special problems of housing, water supply and sanitary conditions in rural areas

337. The New Brunswick Housing Corporation administers a number of programs to assist disadvantaged rural households attain a minimum of health and safety standards, including provision of water supply and sewage disposal. The Rural and Native and Basic Shelter programs are designed to provide housing to rural low-income families and off-reserve aboriginal people.

Measures taken for the protection of tenants

338. The *New Brunswick Housing Act* provides shelter allowance for family, singles, senior and disabled individuals and households in private, public and third sector accommodation. Loans and grants are made to homeowners to assist with repairs, renovations, adaptations for disabled occupants, home completion and emergency repairs, all of which must comply with the standards of the latest edition of the *National Building Code of Canada*.

339. The Department of Income Assistance provides a Rental Assistance Program for the elderly as well as the disabled persons and, commencing in 1990, a room and board allowance will be provided for people with disabilities. Further, as part of the basic unit rate provided to those in need, there is an amount to cover shelter costs.

340. The *Residential Tenancies Act*, R.S.N.B. 1973, c. R-10.2, regulates relations between tenants and landlords and defines their respective rights and duties. The Act also provides for the appointment of rentalsmen to, among other things, advise landlords and tenants in tenancy matters, receive complaints and mediate disputes, and conduct investigations and inspections of premises.

Article 12: Right to physical and mental health

341. The Department of Health And Community Services administers the bulk of the laws in the province that are designed to promote and safeguard the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. There has been little change to this legislation since the submission of the first report on articles 10-12.

342. The Alcoholism and Drug Dependency Program is operated by the Alcoholism and Drug Dependency Commission which reports to the Minister of Health and Community Services. There are two 28-day in-patient treatment and seven detoxification programs throughout the province.

Protection of the environment

343. Under the *Clean Environment Act*, R.S.N.B. 1973, c. C-6, the maximum fines have been increased as follows, for the violation of any provision of this act or the regulations: in the case of an individual, from 500 to 5,000 dollars; in the case of a corporation, from 5,000 to 50,000 dollars.

344. In addition, in 1987, the *Petroleum Storage and Handling Regulation* (Reg 87-97) was proclaimed and implemented. This regulation manages below- and above-ground product storage in tanks greater than 2000 litres.

345. Under the *Environmental Impact Assessment Regulation* (Reg 87-83), a regular monitoring of environmental quality indicators is carried out throughout the province as well as in-depth analysis of environmental impacts associated with major development projects.

346. The *Aquaculture Act*, assented to in 1988, will, when proclaimed, provide for environmental monitoring of aquaculture sites.

Treatment and control of epidemic, endemic and other diseases

347. The *Occupational Safety Act* was replaced by the *Occupational Health and Safety Act* which came into force in 1984. The new act is administered by the Occupational Health and Safety Commission, a Crown Corporation with a tripartite board of directors comprised of representatives of government, employers and workers, created by the *Occupational Health and Safety Commission Act*. This latter act, which came into force in 1980, transferred responsibility for the administration of all occupational health and safety legislation to the Commission. It also mandated the Commission to:

(*a*) advance the principle that every worker is entitled to a safe and healthy work environment,

(*b*) promote an understanding of, acceptance of, and compliance with, this Act and the *Occupational Health and Safety Act*,

(*c*) develop and conduct educational programs designed to promote an awareness of occupational health and safety,

(*d*) undertake research on matters related to occupational health and safety,

(*e*) propose legislation, policies, and practices, to promote occupational health and safety, and

(*f*) publish from time to time such reports, studies and recommendations as the Commission considers advisable.

348. The *Occupational Health and Safety Act* enunciates the detailed rights and responsibilities of workers, employers, and others having connection with the workplace. It sets out requirements respecting the labelling of chemicals, the provision of information concerning chemicals, and the training of workers in the safe use, handling, and storage of chemicals. In addition, the training of workers has been made a mandatory part of all work processes, including the use of machinery and equipment.

Article 13: Right to education

Measures taken to promote the full realization of the rights of everyone to education with a view to achieving the full development of the human personality, etc.

349. In co-operation with the Department of Education, the New Brunswick Human Rights Commission co-ordinated the field test of human rights curriculum units in selected elementary schools, over a two-year period (1986-88). These units were developed by the Canadian Human Rights Foundation and are guided by the general objectives of sensitizing children to values and human rights principles on which the Canadian legal system is founded and to instill children with a positive attitude toward others and their opinions, consistent with the principles subjacent to human rights.

350. In 1989, in co-operation with the New Brunswick Department of Education and the New Brunswick Teachers Association, the Commission co-sponsored a multicultural human rights education conference for New Brunswick educators. Called "Together We Care", this three-day conference provided an opportunity for teachers and administrators to more fully explore those issues related to human rights in education. Topics included introducing human rights in the classroom, teaching about race and culture, children's rights, cross cultural awareness, human rights education in New Brunswick, teaching the child of the 21st century, approaches for human rights education, and multiculturalism and human rights as integral parts of the total school environment.

351. "Human Rights: A Guide to Audio-Visual Resources" was prepared in 1989 by the Commission for use as a resource for educators wishing to promote and discuss a variety of human rights issues. This guide lists 286 videos or films available for loan from a variety of New Brunswick organizations.

352. In 1988, as a means of promoting human rights and responsibilities in schools, the Commission sponsored a poster contest in all junior high schools. The students were asked to choose a theme as found in the *Universal Declaration of Human Rights*, in conjunction with the 40th anniversary celebrations.

Right to primary education

353. Educational programs and services for children with special needs have been revised and are now under the responsibility of the Student Services Branch of the Department of Education.

354. The *Auxiliary Classes Act* has been repealed. School districts are responsible for the education of all children within the school district who qualify by age and residency, including students with learning disabilities.

355. The Atlantic Provinces Special Education Authority, a joint venture of the four Atlantic provinces, administers schools and other services for visually-impaired and hearing-impaired students.

Right to secondary education

356. Students at the secondary level are able to choose from a broad range of courses which are designed to respond to the needs of a rapidly changing society. Many courses have technology components and these courses are available to all students.

Right to higher education

357. The Maritime Provinces Higher Education Commission advocates increased accessibility to higher education. To this end, in 1988 it published a study report, entitled Learning Disabilities in Post-Secondary Education, with attendant recommendations to facilitate access to post-secondary education for students with learning disabilities. The Commission is currently developing a policy with respect to the provision of day care facilities on institutional campuses, to further facilitate access to the growing adult student population.

358. The Department of Advanced Education and Training operates nine community colleges in the province, five in English and four in French. The colleges serve the adult population, principally those 18 years of age or over, offering regular programs leading to certificates and diplomas as well as a wide array of shorter term training. Approximately 50,000 enrolments in full- and part-time training occur each year.

359. The Department of Advanced Education and Training also operates the New Brunswick Craft School and is responsible for the province's five nursing schools.

360. The participation rates of women and special target groups in apprenticeship programs have always been very low. This is particularly a concern regarding women who constitute a slight majority of the population. Efforts are continuing to improve the level of acceptance by employers of female apprentices, as well as target group members, to alter attitudes of trades instructors, and to provide special counselling support to female and target group trainees. Accessibility of women and target group members to programs other than apprenticeship is much more open due to the absence of an employer relationship.

361. Measures have been taken over the last several years to expand the accessibility of the colleges and their programs to persons who are disabled.

362. A review of training programs for fishermen and aquaculturists was conducted for the purpose of improving access to them by people in all regions.

Right to fundamental education

363. The Department of Advanced Education and Training is responsible for the provision of fundamental education to adults who have not received or completed the whole period of their primary and secondary education. The training services associated with fundamental education are free of charge.

364. Initiatives on literacy include: programs taught at the community colleges; financial grants to literacy councils which match volunteers to learners on a one-to-one basis; night school academic upgrading programs; youth strategy, under which Store Front Learning Centres were established in readily accessible downtown centres for the 15-24 age group having difficulty making the transition from school to work; Peninsula Initiative (French Language); Basic Training for Skill Development; and courses by correspondence. Expenditures on literacy training in 1989/90 reflected an increase of 84 percent over the 1986/87 expenditures. In this period, the number of adults assisted by literacy related training increased by about 30 percent, from 12,501 to 16,676.

365. In support of the International Literacy Year, the Department of Advanced Education and Training is co-ordinating a number of activities in co-operation with other departments and agencies.

366. Renewed Emphasis is being placed on provisions for literacy tutoring in correctional institutions in the province. Sensitivity training on the needs of non-readers is being offered to front-line workers in the Department of the Solicitor General, to FOCUS (Future Opportunities for Combatting Unemployability Successfully) counsellors in the Department of Income Assistance, to health and social service professionals, and to employers, through a Department of Labour program regarding literacy in the workplace. Many libraries throughout the province have begun developing literacy resources centres. The Youth Council of New Brunswick has identified peer tutoring and counselling as a priority, with emphasis on literacy skills.

367. Under the National Literacy Program, several proposals were approved for the province in 1989. These provide for computer-based learning systems, development of curriculum

materials, professional development for practitioners, programs for native groups, rural communities and the workplace, and further research on the extent of illiteracy in New Brunswick.

Establishment of an adequate fellowship system

368. The Department of Advanced Education and Training has been given responsibility for the *Youth Assistance Act*, S.N.B. 1984, c. Y-2. The Student Financial and Support Services Branch is the designated authority for the administration of the Canada Student Loan Program in the province and is responsible for the assessment of students' needs and for authorizing loans under the Program.

369. Under the New Brunswick Bursary Program, the Province provides bursaries of up to $2,700 in any one academic year for qualifying students with high assessed need to help control their financial indebtedness. The Bursary Program is combined with the Canada Student Loans Plan and provides additional funds that are normally non-repayable.

370. The objective of the New Brunswick Loan Rebate Program is to reduce the level of indebtedness of New Brunswick students who must borrow amounts under the Canada Student Loans Program to complete their first undergraduate degree. Students with a debt in excess of $9,000 during their first four years of study are eligible to receive a rebate of up to 25 percent of their total debt. However, in no instance would their debt be reduced below the $9,000 limit.

371. As the province is experiencing a shortage of practising professionals in the fields of physiotherapy, occupational therapy, respiratory technology, speech pathology, audiology, clinical pharmacy, dental hygiene and radiation therapy/oncology, the Incentive Rebate Program has been established to encourage professionals studying in these programs outside the province to return to New Brunswick to work after graduation.

372. In 1988, the Maritime Provinces Higher Education Commission published "Student Aid for the 1990s" with both short- and long-term recommendations intended to broaden accessibility to post-secondary education for needy students.

Right to choice of school and liberty to establish and direct educational institutions

373. The *Schools Act* makes provision for the establishment of French and English school districts. Thus, it is possible for children to be educated in either of the official languages of the Province, English or French.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

A. Right to take part in cultural life

374. In July 1981, the Legislative Assembly of New Brunswick enacted *An Act recognizing the Equality of the Two Official Linguistic Communities in New Brunswick*. The Act affirms

the equality of status and the equal rights and privileges of the English linguistic community and the French linguistic community. It states that the Government of New Brunswick shall ensure protection of the equality of status and the equal rights and privileges of the official linguistic communities and in particular their right to distinct institutions within which cultural, educational and social activities may be carried on. It also states that the Government of New Brunswick shall, in its proposed laws, in the allocation of public resources and in its policies and programs, take positive actions to promote the cultural, economic, educational, and social development of the official linguistic communities.

375. A Policy on Multiculturalism was adopted by the Province in 1986, built on principles of equality, appreciation, preservation of cultural heritages and participation. The Policy recognizes that the preservation and sharing of heritages is a vital force in the evolution of the New Brunswick society. It commits the Province to ensure freedom of choice in matters of cultural commitment and expression in a spirit of tolerance and acceptance.

376. Multicultural organizations receive support through grants under the Multiculturalism Program of the Department of Labour, for activities and projects which contribute to the implementation of the goals and objectives of the Policy.

B. Right to enjoy the benefits of scientific progress and its applications

377. The Province established within the Department of Commerce and Technology a Science and Technology Secretariat responsible for science and technology co-ordination, and advocacy and policy development within the Department and more broadly across government and the province. Secretariat staff maintain liaison with other provinces and federal departments on science and technology policy, through participation in the activities of the Council of Science and Technology Ministers and its national working groups.

378. The Province also has established a Minister's Advisory Board on Science and Technology to make recommendations to the Government on the advancement of science and technology in the province.

379. The Province and the federal government signed, in May 1986, a Subsidiary Agreement on Industrial Innovation and Technology Development. Its overall objective is the acceleration of the development and application of technology, so as to increase and enhance employment opportunities in New Brunswick. Amongst other initiatives supported by the Subagreement, an "Innovation Centre NB" was funded and staffed to support the establishment of new businesses by providing advice on management, finance, marketing, technological feasibility and business plans. Complementing the "Innovation Centre NB", and also funded under the Subagreement is "Incutech Brunswick Inc", a pilot incubation centre under the joint venture of the University of New Brunswick and the New Brunswick Research and Productivity Council. This facility provides low-cost space, shared services and ready access to business and technical expertise and advice to technology-based client firms.

380. The Province, through the Science and Technology Secretariat, is also working with the Government of Canada to improve public understanding of the research, development, and diffusion of science and technology.

5. QUÉBEC

381. The Government of Québec has undertaken to abide by the provisions of the *International Covenant on Economic, Social and Cultural Rights*, by adopting Order in Council No. 1438-76 on April 21, 1976, in accordance with its internal law. The period covered by this second report ends in February 1990. As requested by the Committee, the report describes the overall situation, as well as the major programs and institutions working in the area of the rights described in articles 10-15 of the Covenant, highlighting the developments noted in this regard since the accession to the Covenant.

Article 10: Protection of the family, mothers and children

A. Protection of the family

382. In recent years, the Government of Québec has greatly improved its family assistance plan. This is particularly true of the family allowances plan, which since 1987 has been exempted from any form of clawback through taxation and for which allowance amounts have been indexed annually. Two new measures were added in 1988 and 1989, namely allowances for young children and the first three newborn. Lastly, Québec has taken advantage of the reform of its income security program to set up a program of assistance to parents for their work-related income called APPORT (*Aide aux parents pour leur revenu de travail*), which offers monthly financial assistance to low-income workers.

383. Early in 1990, the new income security system also introduced a housing allowance aimed at offsetting the additional housing costs brought about by having children. Added to this measure is a home ownership access program, created in 1988, in the form of assistance toward the down payment for the purchase of a first residence. The program is directed toward families with at least one child under the age of 18.

384. In 1988, Québec adopted a day care policy that included a development plan based on parents' needs. In addition, the program of financial relief for low-income parents was improved and now covers up to 70 percent of day care costs. Lastly, Québec announced in December 1987 the creation of the *Conseil de la famille* [Family council] and adopted a policy to acknowledge the importance of the family as an institution and as a lifestyle, in particular through community support for parents.

385. On July 1, 1989, the *Act to amend the Civil Code of Québec and other legislation in order to favour economic equality between spouses*, 1989, c. 55, came into force. The Act creates, at the time of marriage, a family patrimony made up of certain property, without regard for which of the spouses owns that property. In case of a breakdown of the union, the value of the spouses' family patrimony is divided equally between them or between the surviving spouse and the heirs, as the case may be. The Act introduces a mechanism whereby a spouse who contributed, in property or services, to the enrichment of the patrimony of the other spouse to claim compensation for that contribution.

386. Québec amended its *Code of Civil Procedure*, R.S.Q., c. C-25, in 1986 and 1989 to exempt a debtor's principal residence from seizure, subject to exceptions, when the amount of the claim is less than $10,000. The purpose of the amendment is to protect the family residence from seizure in recovering a small claim. The *Act to amend the Civil Code of Québec and other legislation in order to favour economic equality between spouses* also provides measures to protect the family residence.

B. Maternity protection

387. In the past 15 years, Québec has made important strides in the battle against perinatal mortality. Numerous opinions have been put forward in developing a perinatality policy on teenagers and fertility, being born equal and healthy, living with an infant, perinatal and infantile mortality and morbidity, and midwifery. In addition to this policy there have been new directions concerning perinatality, a bill on midwifery (1989), and the report of a task force on new reproductive technologies (1988).

388. The *Act respecting the Government and Public Employees Retirement Plan*, R.S.Q., c. R-10, the *Act respecting the Teachers Pension Plan*, R.S.Q., c. R-11, and the *Act respecting the Civil Service Superannuation Plan*, R.S.Q., c. R-12, were amended in 1987 to enable female teachers who qualify to redeem years of services for which reimbursement of contributions was made as result of cessation of employment because of marriage, maternity or adoption. In addition to enabling these employees to be credited, in whole or in part, for years of teaching prior to January 1, 1968, these acts also recognize the right of employees who were absent on maternity leave to be credited for pension purposes, without further contributions, with a maximum number of contributory days.

389. A draft bill is currently under study to amend the *Act respecting labour standards*, R.S.Q., c. N-1.1, to improve parental rights, particularly in the area of leave for birth or adoption of a child, along with amendments on overtime work required of an employee by an employer.

C. Protection of children and young persons

390. The primary purpose of the *Act to amend the Youth Protection Act*, S.Q. 1984, c. 4, is to distinguish between applicable intervention mechanisms to deal with youth protection and those applicable in cases of delinquency. The Act also attempts to remove from the *Youth Protection Act* those provisions relating to offences committed by children against any Act or regulation in effect in Québec, and provisions relating to guidance mechanisms for young offenders. The Act in particular introduces certain principles and new rights in the areas of children's rights to improve the protection of children whose security or development is endangered. Lastly, it makes substantial amendments in the area of societal and judicial interventions in order to make those interventions more effective and better suited to real-life situations.

391. In the fall of 1989, Québec made public a mental health policy based on the following directions: increasing the quality of services, promoting equity, seeking solutions in individuals' lifestyles, and consolidating partnership.

392. With respect to international adoption, the *Civil Code* of Québec was amended in 1987 to permit a judgement handed down outside Québec to be recognized, under certain circumstances, with the same effect as a judgement handed down in Québec.

Article 11: Right to an adequate standard of living

A. Right to adequate food

393. In the period covered by this report, the Government of Québec adopted numerous laws and regulations concerning the agrarian system. The *Act to amend the Maritime Fisheries Credit Act*, S.Q. 1987, c. 70, amends the *Maritime Fisheries Credit Act*, R.S.Q., c. C-76, by limiting to $30 million per fiscal year the loans, advances and loan guarantees the Minister may extend. Québec also amended the former *Act respecting public agricultural lands* by introducing a new *Act respecting agricultural lands in the public domain*, R.S.Q., c. T-7.1, that proposes a new form of transferring to the private domain all agricultural lands in the public domain still under concession.

394. The new *Act respecting farm financing*, R.S.Q., c. F-1.2, proposes a restructuring of the current legislative framework of Québec's farm financing system. The Act attempts to achieve a simplification and greater rationalization of the system in terms of both operation and content. In particular, the Act is intended to amend Article 1979*a*) of the *Civil Code* to enable the use of farm securities to guarantee the sale price of a sale made by a producer within the meaning of the *Farm Producers Act*. The Act also provides for repeal of the *Aquaculture Credit Act*, replacing it with other farm financing legislation administered by the *Office du crédit agricole*. Lastly, the *Act to amend the Act respecting farm-loan insurance and forestry-loan insurance*, S.Q. 1988, c. 3, proposes amendments to the *Act respecting farm-loan insurance and forestry-loan insurance*.

395. Along another line, the *Act to amend the Act to preserve agricultural land*, S.Q. 1989, c. 7, sets up an independent appeal tribunal to hear appeals from decisions of the *Commission de protection du territoire agricole* [agricultural land preservation commission]. The Act in particular provides that no person may, without authorization from the Commission, transfer or subdivide a lot in an agricultural zone, or build more than one residence on that lot, subject to certain conditions relating to adjoining areas. The Act also creates a special farming activities fund to provide defence for persons who may be sued because of dust, odour or noise resulting from their farming activities.

396. The *Act to amend the Farm Products Marketing Act with respect to the payment of farm products*, S.Q. 1988, c. 28, is aimed at providing for mechanisms [illegible] be set up to guarantee payment, subject to certain reservations and conditions, of farm producers' claims relating to the marketing of a farm commodity. A provision regarding veterinary medicines was also added to the Act.

397. The *Marine Products Processing Act*, R.S.Q., c. T-11.01, allows the minister responsible for fisheries and alimentation to monitor marine products processing operations.

398. The *Restauration Merit Act*, R.S.Q., c. M-10.1, creates the *Ordre du mérite de la restauration* [Order of restauration merit] for the purpose of encouraging restaurateurs, by honours and rewards, to serve well-prepared Québec food products.

399. The *Act to amend the Animal Health Protection Act*, S.Q. 1986, c. 53, extends the application of section 1 of the *Animal Health Protection Act* to any breeding animal and its fertilized eggs and ova. Amendments to this section also provide that the owner or possessor of an animal shall report forthwith any symptom of a contagious or parasitic disease detected by him/her or by a veterinary surgeon to an officer designated by the Minister.

400. The *Act to amend the Dairy Products and Dairy Products Substitutes Act*, S.Q. 1987, c. 61, is intended to harmonize with the *Charter of human rights and freedoms* the government's powers to inspect dairy products and dairy substitutes. The Act also introduces the power of government inspectors, in cases of emergency, to order the operator to cease operations in any premises used for purposes of industrial or commercial activity related to dairy products or dairy substitutes when they are an immediate source of danger to the life or health of consumers. The *Act to amend the Agricultural Products, Marine Products and Food Act*, S.Q. 1987, c. 62, contains a similar provision.

401. Numerous regulations have been adopted by the Government to enable these acts to be implemented.

B. Right to housing

402. The *Société d'habitation du Québec* [Québec Housing Corporation], created in 1967, is charged with the task of promoting improvement in housing and facilitating access to home ownership or subsidized rental accommodation for Québec citizens, with priority given to low- or moderate-income households. The Corporation has assumed responsibility since 1987 for all government activities in the area of housing. It administers a number of programs in order to achieve its objectives. Some of these programs are cost-shared between the governments of Québec and Canada, while others are funded and administered exclusively by Québec.

403. The major cost-shared programs may be summarized as: non-profit housing programs in the public and private sectors, the purpose of which is to bring about the construction of moderate-rent [subsidized] accommodation through cooperatives and non-profit organizations, or to make such accommodation available to low-income families, retired persons and people with disabilities. To date, these programs have resulted in the completion of 133 projects creating a total of 1,888 dwelling units.

404. The Corporation also administers a rent supplement program enabling selected households to pay rent geared to their income. In 1988, 6,870 dwelling units were affected by the program. Non-profit public housing programs for the Inuit and housing programs for native peoples enabled the supply of public rental accommodation to be increased in Inuit communities living on land north of the 55th parallel and assistance to be offered to needy native households.

405. The Corporation is also responsible for administering an assistance program for the renovation of deteriorated dwellings occupied by low-income households. This is complemented by an emergency repair program, the aim of which is to assist households in rural areas which have pressing housing needs.

406. The major programs funded and administered exclusively by Québec are, in particular, the housing allowance program for the elderly and the down payment assistance program, the aim of which is to assist households wishing to purchase a first home by contributing toward the down payment generally required by financial institutions.

407. The Government of Canada's financial contribution to shared-cost programs varies with the criteria set out in the Canada-Québec framework agreement on social housing. Québec municipalities also contribute toward the cost of some of these programs.

408. With respect to the protection of tenants, the *Régie du logement du Québec* [Rental board] takes steps to protect tenants from abusive rent increases, to place limits on the grounds for eviction, to maintain the quality of the rental housing stock, and to monitor the demolition or conversion of rental residential buildings.

409. In view of the fact that Québec, like many other parts of Canada, has sizeable earthquake zones, the National Research Council of Canada has asked experts in various fields to take account of this in the *National Building Code* (NBC). NBC standards are in effect in all parts of the province of Québec, having been adopted by governmental order. These standards are aimed in particular toward the development and improvement of building construction, and include standards for safety in the event of earthquakes, floods or other natural disasters.

Article 12: Right to physical and mental health

410. Since the time of its first report on the Covenant, Québec has adopted a framework policy for the administration of first-line occupational health services, with a view to determining the division of responsibilities among various agencies working in the field. Also, the dental service program for children has been extended to children under the age of 15. Welfare recipients and their dependents may obtain certain services free of charge, subject to certain conditions.

411. In April 1989, following the tabling of the report of the commission of inquiry into health and social services, the Government of Québec placed before the public its policy directions in the area of health and social services. These policy directions aim at solving current problems in the system and enable it to be more flexible in adapting to the challenges of the future. Consequent to this action, the Government introduced a draft bill that proposed a revision of the present *Act respecting health services and social services*. In June 1989, the Government created the *Centre québécois de coordination sur le SIDA*, the role of which is to advise the Minister of Health and Social Services on AIDS and co-ordinate action plans in the fight against AIDS.

412. Lastly, in the fall of 1989, the Government made public the report of the *Comité sur les abus exercés à l'endroit des personnes âgées*, its committee on elder abuse, entitled *Vieillir ... en toute liberté* [Growing old ... freely].

Article 13: Right to education

A. Principal laws and administrative regulations

413. The right to education for all is guaranteed by Article 40 of the *Charter of human rights and freedoms*, R.S.Q., c. C-12. Other legislation governing the exercise of this right includes: *An Act respecting the Ministère de l'Enseignement supérieur et de la Science*, R.S.Q., c. M-15.1.1; *An Act respecting educational institutions at the university level*, S.Q. 1989, c. 18; *University of Québec Act*, R.S.Q., c. U-1; *Professional Code*, R.S.Q., c. C-26; *Student Loans and Scholarships Act*, R.S.Q., c. P-21 (under review); *University Investments Act*, R.S.Q., c. I-17; *An Act respecting the Conseil des universités*, R.S.Q., c. C-58; *An Act respecting the Conseil supérieur de l'éducation*, R.S.Q., c. C-60; *An Act respecting Access to documents held by public bodies and the Protection of personal information*, R.S.Q., c. A-2.1; *An Act to amend the Charter of human rights and freedoms concerning the commission and establishing the Tribunal des droits de la personne*, S.Q. 1989, c. 51; *An Act respecting the accreditation and financing of students' associations*, R.S.Q., c. A-3.01.

414. Several of these acts are accompanied by regulations. In addition, university charters granted by the Government of Québec state the specific mission of universities in the fields of teaching, vocational training and research.

415. The Québec National Assembly in December 1989 adopted the *Act to amend the Act respecting the Ministère de l'Éducation*. The Act creates a fund for distance education and allows the Minister to provide services related to distance education to any individual or organization, in fields within his jurisdiction, or, at the request of another Minister, in fields within the latter's jurisdiction.

B. Measures to ensure the full realization of the right of everyone to education with a view to achieving the full development of the human personality, etc.

416. Since the time of its first report, Québec has experienced increased growth in instruction on human rights in the schools, in keeping with the spirit of the UNESCO recommendation of November 19, 1974. In the same spirit, numerous teaching initiatives have been made to promote civics instruction based on education for peace. Following adoption by the Québec National Assembly on December 10, 1986 of the Declaration on Ethnic and Race Relations, many television programs were produced dealing with children in Québec's cultural communities, and awareness sessions for school staff on the intercultural dimensions of education are now held on an ongoing basis.

C. Right to primary education

417. Access to the education system is widespread in Québec, and geographic obstacles are practically inexistent at the primary level. There is also no discrimination against girls in

access to the education system, as illustrated in Québec's report on the *Convention on the Elimination of All Forms of Discrimination against Women.* In its reply of March 1988 to the UNESCO questionnaire in connection with the Recommendation against Discrimination in Education of December 14, 1960, Québec reported on its assistance measures related to school busing and the problem of children of socioeconomically disadvantaged parents attending primary school. By the end of 1987, 99 percent of students in Québec had completed their primary-level education.

D. Right to secondary education

418. Secondary education is compulsory in Québec. A number of measures have been adopted to improve the continuation of schooling, and in particular to encourage young dropouts to go back to school. In this regard, numerous forms of extracurricular help have been tested and new directions in vocational training at secondary level defined. In addition, access to the senior grades at secondary level has declined somewhat in recent years, a trend offset, however, by the spectacular growth in adult education.

E. Right to fundamental education

419. The number of adults taking courses approved by the Department of Education has doubled since 1983. The adult education clientele in 1987-1988 was made up 57 percent of men, most of them enrolled in vocational training. The average age was 30.8.

F. Development of a system of schools

420. The new *Education Act* represents a complete revision of the present Act. Its purpose is to restructure school boards along language lines rather than by religion. It also changes the legislative and administrative framework of primary and secondary education to adapt to social consensus. Lastly, the Act defines a new legal system applicable to certain individuals such as disabled or adult students.

421. Québec maintained its effort in 1988-1989 in the field of computers in schools. This effort was translated into the growth of professional development programs for teachers and support for the production, evaluation or purchase of educational software. Lastly, the new Act provides for the creation of an orientation committee in every school, mainly made up of teachers, the role of which is to prepare the school's educational project.

G. Right to higher education

422. Since the time of Québec's first report, there have been no major changes in the laws and regulations affecting post-secondary education. Efforts have been directed instead toward increased accessibility to higher post-secondary education by specific difficult-to-reach clienteles including adults, women in certain programs where they are still few in number, native people, persons with disabilities, and "allophones" [those whose first language is neither French nor English].

423. The adult clientele is being reached mainly through manpower training programs, and by means of distance education and special recognition for skills gained through work experience. Customized training is another field in full growth. Specific promotional campaigns aimed at women have been initiated to incite them to select courses in non-traditional fields [i.e. traditionally men-only], especially high-tech fields. With respect to native people, where limited access to higher education has been noted and among whom school failure rates are much higher than among regular student groups, special programs have been introduced accompanied by extracurricular assistance. With respect to persons with disabilities, certain colleges in Québec receive special grants to take in students with disabilities and offer them adapted services such as those for hearing- or vision-impaired students. Lastly, Québec is pursuing studies on the intake and needs of "allophone" groups in the province, with a view to proposing a policy enabling colleges to ensure easier integration of these groups socially, economically and academically.

424. With respect to universities, the priority objective of the last 25 years and the objective now formally upheld for the coming years is precisely to ensure the broadest possible accessibility to university education for everyone having the desire and the ability.

425. To this end, the Government of Québec has injected massive amounts of public money into the university sector, into the creation of new institutions, particularly in the regions, the setting up of financial assistance programs for students, the development of programs to respond to specific needs in Québec society, such as distance education through Télé-université, special measures for the disabled, and internships in business firms.

426. With respect to the material conditions of teaching staff in Québec universities, all regular professors at this level are covered by collective agreements or working agreements. Lecturers are also, for the most part, governed by collective agreements. Lastly, Québec has adopted numerous laws and regulations protecting or defining working conditions. The Government of Québec's share of funding for universities is very high: grants to education increased by 14.2 percent in current dollars and 3.7 percent in constant dollars, on a *per capita* basis, between 1986 and 1989, while the increase for all government expenditures was 11.6 percent in current dollars and 0.8 percent in constant dollars. Between 1985 and 1990, the proportion of government expenditures on education increased appreciably, from 18.7 percent of total expenditures to 19.5 percent. The total amount of financial assistance to students remained almost stable: the number of applications for financial assistance in fact declined between 1985 and 1990. This situation reflects the fact that increasingly large numbers of students now hold paid employment during the school year, enabling them to have more available cash and avoid having to resort to the system of loans and scholarships offered by the Government of Québec.

427. Generally speaking, university attendance rates in Québec have shown a constant progression, rising from 10.4 percent of the 18-29 age group in 1985-1986 to 11.6 percent in 1988-1989.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress, and the protection of the interests of authors

428. In the period covered by this report, the Government of Québec has strived to promote the participation of all Québecers in cultural life. To this end, the Québec Department of Cultural Affairs gave its six regional branches the necessary programs and budgets to enable the residents of the most remote parts of the province to have the same access as those of major urban centres to high-quality cultural activities. The Department also created a position of liaison officer in Montréal to assist Québec's cultural communities, with a view to offering members of those communities information and guidance on programs, activities and administrative procedures that would assist toward greater participation in the cultural life of Québec.

429. In the legislative area, the Government caused the adoption of certain laws to protect and promote the interests of artists and creators. These laws are *An Act respecting the professional status and conditions of engagement of performing, recording and film artists*, 1987, c. 72, and *An Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters*, 1988, c. 69. Lastly, the Department of Cultural Affairs has set up a *Secrétariat à la propriété intellectuelle*, an intellectual property office whose task is to coordinate government activity on all issues relating to copyright and provide liaison with other agencies working in this field.

430. With regard to scientific progress, the principal legislative texts are: *An Act respecting artistic, literary and scientific competitions*, R.S.Q., c. C-51; *Forestry Schools and Research Act*, R.S.Q., c. R-1; *An Act respecting the Centre de recherche industrielle du Québec*, R.S.Q., c. C-8; *An Act respecting manpower vocational training and qualification*, R.S.Q., c. F-5; *An Act to promote the advancement of science and technology in Québec*, R.S.Q., c. D-9.1; *An Act respecting the Ministère de l'Enseignement supérieur et de la Science*, R.S.Q., c. M-15.1.1.

431. Following a broad consultation by the Government of Québec with scientific circles and the general public, beginning in 1979, the Government was able to formulate a statement of policy directions and a plan of action to implement a Québec policy on scientific research.

432. In order to develop research in Québec and make it more accessible, the National Assembly in May 1983 adopted the *Act to promote the advancement of science and technology in Québec*. This Act in particular created a department of science and technology, whose major roles would be to develop and propose a Government policy on science and technology, oversee the coordination of activities among various government departments and public agencies in the area of science and technology, ensure the development and introduction of new measures necessary for deployment of the scientific and technical system, and lastly, at the request of the Government, to take certain actions of a multisectoral nature in the field of science and technology. The Act also created the *Conseil de la science et de la technologie*, a science and technology council charged with the task of advising ministers responsible for science and technology on all matters relating to the overall development of this sector. Lastly, the Act sets up two research support funds: the *Fonds de soutien pour la formation de chercheurs et l'aide à la recherche*, for training researchers and research assistance, whose principal role is to promote or provide financial support for research carried out in post-

secondary educational institutions, and to promote or provide financial support for the dissemination of scientific knowledge and training researchers by granting achievement scholarships to graduate and postgraduate students; and the *Fond de la recherche en santé du Québec* (Québec health research fund), whose role is to promote or provide financial support for research, training and professional development of researchers in the health field.

433. Since the last report, government initiatives in research support have been directed particularly toward promising fields such as teaching applications of computers, leading-edge computer science, biotechnology, robotics, and computerization of organizations.

434. It is appropriate at this point to mention the provisions of the Québec *Charter of human rights and freedoms*, which by virtue of its section 52 takes precedence over all other Québec legislation, thereby meeting the goal stated in the Covenant of preventing the use of scientific and technological progress for purposes contrary to the enjoyment of human rights.

435. In the area of co-operation and international contacts in the field of science and culture, Québec has to date concluded a number of bilateral agreements. These agreements provide various mechanisms aimed in particular at promoting exchanges among researchers or creators, or joint projects on subjects of common interest. Québec also participates in the conferences of heads of state and government of countries having in common the use of French, and in the proceedings of the international committee that follows up the decisions made at those conferences. These activities translate into a growing volume of international co-operation, particularly in scientific and technical fields.

6. ONTARIO

Article 10: Protection of the family, mothers and children

436. Ontario's new *Family Law Act, 1986* shares the fundamental objectives of the *Family Law Reform Act* of 1978 which it supersedes. The most fundamental change is the adoption of a deferred community of property system. Under this system, spouses are separate as to property during marriage, but at the end of the marriage, all property acquired by both spouses during the marriage is valued and, other than in exceptional cases, each spouse is granted a half share in the total value. The matrimonial home is in many cases the most significant family asset. The new legislation means that normally both spouses will be entitled to share its value without having to prove their contribution to its acquisition and maintenance. This scheme is available to widowed as well as divorced and separated spouses.

437. The *Pension Benefits Act, 1987* provides for increased protection to the families of pension recipients. Pension plans must be paid to married members in the form of a joint and survivor pension, unless both spouses agree to waive this right. The value of the joint and survivor pension cannot be less than the value of a pension payable in the original form, and the amount of the pension payable to the spouse of the plan member must not be less than 60 percent of the value of the pension that would otherwise have been payable to the member. A surviving spouse who remarries continues to be entitled to receive benefits from the plan of his or her former spouse. If a pension plan member dies before payment is due to begin, the spouse is entitled to a benefit equal in value to the commuted value of the pension benefit. In the case of marriage breakdown, pension benefits may be divided between spouses.

438. Pursuant to the *Support and Custody Orders Enforcement Act, 1985*, support and custody orders are filed with a government office and this office takes whatever actions are necessary to enforce the orders. There was a need for such legislation because husbands routinely defaulted on their support obligations leaving many families in difficult financial circumstances. Under the new act, the government enforces these orders on behalf of the families, saving them both worry and expense. Since July 2, 1987, $110 million has been collected and disbursed to support recipients. In total, more than 68,200 children are affected by the orders registered with the office.

439. In 1987, the definition of "spouse" for social assistance purposes was changed so that single parents can reside with an adult of the opposite sex and still remain eligible for social assistance until they are legally entitled to be supported by the person with whom they live. Caseworkers are no longer permitted to investigate the personal lives of recipients. Previously, social assistance benefits could be terminated if a single parent had a conjugal relationship with an unrelated person of the opposite sex even though that person may have been providing no financial support to the single parent or her children. The old rules had a disproportionate impact on women, who comprise the great majority of single parents receiving social assistance.

440. The Ontario *Human Rights Code* was amended to include "family status", "marital status" and "pregnancy" as prohibited grounds of discrimination. Individuals who are discriminated against for any of these reasons are entitled to a variety of remedies including money awards.

441. There is a network throughout the province of emergency and transition homes (with a total of 1,300 beds) for female victims of domestic assault and their children. These homes provide shelter, safety and counselling services for victims of domestic assault.

442. Amendments were made to the *Child and Family Services Act* in 1987 to allow for more open disclosure of information related to adoptions. The amendments set out the conditions under which both identifying and non-identifying information may be released. An Adoption Disclosure Register has been established to assist birth relatives in their attempts to secure information. The amendments also provide for a more active role for the provincial government in conducting searches for birth relatives on behalf of the adult adoptee.

443. A number of programs exist to support elderly people remaining in their own homes and families. Respite Care Services support the families of people suffering from Alzheimer's disease by providing periods of relief from their family's care-giving activities. The Integrated Homemaker Program for frail seniors and adults with disabilities is now being tried in 18 locations across the province. This program provides basic services such as housekeeping, assistance with personal care, laundry and marketing to enable seniors and adults with disabilities to continue living in their homes and communities.

444. Criminal offenders in detention may be eligible for the Temporary Absence Program. The Program allows acceptable offenders to stay with their families, or to attend school, or to live in Community Resource Centres while working to support themselves and their families.

Article 11: Adequate standard of living

445. The *Pension Benefits Act, 1987* contains a number of provisions intended to increase access to membership in employment pension plans and to provide for greater security of benefits. Employees are now entitled to become members of pension plans sponsored by their employers after two years of employment. Part-time employees are also entitled to join after two years where minimum working-hour criteria are met. Benefits must be vested and locked-in after two years of plan membership, so that members obtain rights to employer contributions and to other major benefits at an early date. Plan members with vested benefits who terminate employment are entitled to transfer their benefits into other retirement plans or to leave them in the pension plan until payment begins.

446. It is estimated that at the present time 558,000 persons in Ontario are beneficiaries of social assistance, 232,000 of which are children.

447. In the period from 1986 to 1989, after accounting for inflation, the real improvement in social assistance benefits amounted to 10.7 percent.

448. In May 1989, the Government announced a major ($415 million annualized cost) package of reforms to Ontario's social assistance system aimed at ensuring an adequate standards of living for individuals. Benefits levels were increased further. Barriers to employment for individuals receiving social assistance were removed to help make individuals better off when they obtain employment. Existing programs to help social assistance recipients gain access to employment support, training (including literacy training) and work placement opportunities were expanded.

449. The Ontario Government has initiatives aimed at increasing the supply of affordable, quality housing. First, the Province requires that at least 25 percent of new housing falls within established provincial affordability criteria. Second, land owned by government, and which is not needed by government, is first considered for potential housing development. If the land is suitable for housing, at least 35 percent of the housing built is allocated to low and moderate income households. Third, Ontario protects rental accommodation by requiring that owners receive the approval of municipal council before they can convert a rental property to non-rental use. Finally, the largest non-profit housing initiative ever undertaken by Ontario "Homes Now" is expected to create approximately 30,000 units in the early 1990s. The majority of these units will be made available to persons who cannot afford other suitable housing and the rents paid will be based on the tenants' income rather than the size or type of units they inhabit.

450. There are also a variety of programs devoted to the housing needs of special groups including the homeless and disabled persons. The Ontario Home Renewal Program for the Disabled, for example, provides assistance to disabled persons to allow them to undertake structural modifications that will make their units physically accessible.

451. With respect to food production, Ontario is promoting improved management and protection of the province's natural resources. For example, new licences to harvest wild rice in northwestern Ontario are issued only to indigenous people. The Government has committed itself to provide indigenous groups with inventories and biological information relating to lake-grown wild rice cultivation and harvest.

Article 12: Medical care

452. Measures taken to prevent the spread of communicable diseases include: a requirement that all children attending school in Ontario be immunized against six diseases, i.e. measles, mumps, rubella, diphtheria, tetanus and polio; and the funding of special treatment clinics for sexually transmitted diseases in 36 locations.

453. Since the early 1980s, more than $59 million has been spent on AIDS related initiatives. The public education program has included pamphlets sent to every Ontario home, radio and television announcements in seven different languages and an AIDS hotline which received 250,000 calls in one year. There is mandatory education about AIDS in grades seven and eight. Community-based groups are given funds to educate specific populations with special needs such as hemophiliacs, prostitutes, homosexual men, street youth, those with hearing impairments and injection drug users. A pilot project is being run where injection drug users can trade in their old needles for new ones.

454. All blood donations are screened for HIV antibodies to ensure the safety of the blood supply. HIV antibody tests are available to the public without charge. Special out-patient clinics and home care programs have been established for AIDS patients. In addition, there has been funding for AIDS research.

455. Measures are being taken to reduce activities which harm the environment and have a negative impact on human health. The Province is moving to control pollution of the water by imposing effluent limits on nine industrial sectors and to control air pollution by setting strict limits on the emission of certain air contaminants.

456. The Province's Waste Abasement Strategy has as its goal the 50 percent reduction by the year 2000 of the amount of garbage that goes to landfill and incineration. One method of achieving this goals is a household recycling program. One million six hundred thousand Ontario households are involved in this program which results in the annual recycling of 250,000 tonnes a year.

457. To reduce acid rain, regulatory limits have been imposed on the province's principal emitters of sulphur dioxide. The program will reduce the province's emissions of sulphur dioxide from the 1989 base of 2,194 kilotons per year to a total of 885 kilotons per year by 1994.

458. To protect the ozone layer, the Province has restricted various uses of ozone-depleting substances including chlorofluorocarbons and halons. Additional restrictions will be imposed as substitutes for these chemicals become available.

459. Prosecution for environmental offenses have quadrupled since 1983 and convictions have more than tripled.

Article 13: Right to education

460. The education system in Ontario is working to ensure the equality of religious, racial and ethnocultural groups. To assist new immigrants, English as a Second Language courses are offered both to children and adults.

461. As a corollary, as of September 1989, when a request to teach a particular language is made by the parents of 25 or more students of a school board responsible for elementary schools, the school board must provide classes in that language. Previously, the school board had an option as to whether to provide such instruction. The purpose of these programs is to teach children the language of their family, which will improve communication with their parents and grandparents and enhance children's perception of their heritage. The Native as a Second Language program, introduced in September 1987, enables students to receive instruction in a native language from kindergarten to the end of high school. The need for more teachers has led to the establishment of the Native Language Teacher's Certification Program.

462. Curriculum, books and learning materials are continually reviewed to ensure that they incorporate the perspective of Canada's various cultural groups and to identify any bias that may be contained in them.

463. The Ministry of Education has initiated an inquiry into religious education in public elementary schools. The inquiry is seeking to identify new options for a religious education policy which responds to the multicultural and multifaith nature of the population of the province.

464. The *French Language Services Act* requires that Crown agencies funded by the government (such as community colleges) provide instruction in French in those regions designated officially bilingual. Universities, which are not crown agencies but are included in the *French Language Services Act* by virtue of their being transfer payment institutions, can also be designated under the Act. Three of the four bilingual Ontario universities have indicated that they intend to seek designation. In consultation with affected groups, the Government of Ontario is preparing a long-term plan for French-language programming in the university sector.

465. Consultations are currently under way with indigenous communities to develop a strategy to increase the participation and completion rates for indigenous students in post-secondary institutions.

466. In co-operation with a northern community college, the Government has established a Native Resource Technician Training Program. The Program provides indigenous people in distant education centres with resource management training through TV-satellite hook-up. The Auxiliary Fire Fighter Program provides for hiring and training of native auxiliary forest fire fighters where they live and where the risk of fire may be greatest.

467. In recognition of the additional costs involved in the delivery of post-secondary education in the north, Northern Grants are provided to colleges and universities in northern Ontario. These grants are intended to support the development, maintenance and enhancement of programming in northern colleges. They are also intended to provide assistance to areas which have experienced significant enrolment declines. School boards, too, are provided with additional funding to compensate for the higher cost of providing education in the north.

468. Colleges of Applied Arts and Technology have received a Special Needs Allocation to help them adjust their programming and support services better to accommodate students with special needs. In 1989/90, the colleges received $3.5 million for this purpose. Four million dollars of the "Accessibility Envelope" funding provided to universities has been designated specifically to improve access to universities for persons with disabilities. Funding is provided to the Canadian Hearing Society to administer a program of support services for part-time deaf and hard of hearing students in post-secondary courses.

469. Literacy, vocational and skills training are a significant feature of correctional institutions' programming. Agreements with local school boards ensure that access to formal education is maintained. Supplementary educational programs are designed to meet the needs

of inmates who have given up on conventional schooling regimes. For example, computer-assisted learning programs are tailored to meet specific literacy and skill deficiencies. No fees are collected for access to these programs.

Article 15: Cultural life and science

470. The Province continues to support the many cultural programs mentioned in its previous report. In addition, public funds have been made available to francophone and indigenous groups that wish to establish child care services preserving their cultural and linguistic values.

471. Contact North is a distance education network linking "electronic classrooms" located throughout northern Ontario. The program, which is in the final year of a four-year pilot project, increases the educational opportunities available in more than 30 remote and small northern communities. Over the four years, $14 million has been spent on capital equipment, operation of the network, and programming development.

472. The Supplementary Northern Assistance Program aims at enhancing cultural life in northern Ontario and increasing opportunities for residents of small or remote communities to participate more fully in Canada's cultural life. Grants are available to arts organizations, artists, craftspeople, and arts and cultural touring groups and sponsors residing or performing in northern Ontario.

473. The Ontario Heritage Foundation has been established to preserve, protect and promote Ontario's cultural, archaeological, architectural, historical and natural heritage through a variety of programs and activities. Programs and activities include: capital and project funding; acquiring, restoring and managing provincially significant properties and artifacts; undertaking educational and promotional activities; and undertaking natural heritage protection programs.

7. MANITOBA

474. Manitoba made contributions to Canada's initial reports with respect to articles 10 to 12, and articles 13 to 15 of the Covenant. The following updates the information contained therein, to December 31, 1989. For ease of cross-referencing, subject headings from previous reports have been preserved, were applicable.

Article 10: Protection of the family, mothers and children

A. Protection of the family

Principal laws, regulations, etc

475. Most of the legislation in Manitoba respecting property and maintenance is currently under active review, and major procedural and substantive changes are likely to be initiated during the coming year.

476. The following will clarify further some of the information on this subject presented in the first report. The application to court referred to in the context of *The Dower Act* is now made to a Judge of the Court of Queen's Bench, rather than to Surrogate Court. Assets acquired *before* marriage are only divisible under *The Marital Property Act* if acquired in contemplation of the forthcoming marriage. Where property acquired prior to marriage is not considered a shareable asset, however, increases in value to that property during the marriage may nonetheless be taken into account upon any division of marital property. Child support awarded under *The Family Maintenance Act*, although generally stated to end when the child is 18 years old, may extend beyond that date where the child is enrolled in a full-time educational program. Where a common-law spouse, in a union which has produced no children, wishes to apply for maintenance under this act, the parties must have lived together as husband and wife for five years before a maintenance obligation arises.

Guarantees of the right of men and women to enter into marriage with their full and free consent

477. With regard to the age of marriage, it should be noted that under *The Marriage Act*, although the normal age of marriage is 18, persons under the age of 18 may marry with the consent of parents or the court (depending on the circumstances). There is no longer a requirement in this province for a serological test prior to marriage.

Measures aimed at maintaining, strengthening and protecting the family

478. The responsible department is now known as the Department of Family Services. It provides marriage and conciliation counselling for the new unified family court system. "Children's aid societies" have been replaced by "child protection agencies".

479. *The Community Child Day Care Standards Act*, C.C.S.M., c. C158, provides for the licensing and funding of child day care facilities, certification of child care staff and subsidies to eligible parents. Services are available for families with children up to 12 years of age and, in special cases, over 12 years of age. As of 1989 there were 485 centres and 428 homes with a total of 16,639 spaces. Day care subsidies were paid to facilities on behalf of approximately 6,300 children during fiscal year 1988-89.

B. Maternity protection

480. Another significant statutory vehicle in this area was the *Human Rights Act*, C.C.S.M. c. H175, replaced in December of 1987 by the *Human Rights Code*, C.C.S.M., c. H175. The *Human Rights Act* contained no specific reference to discrimination based on pregnancy, but the Manitoba Human Rights Commission interpreted the prohibitions against discrimination based on "sex" as extending to differential treatment based on pregnancy. That approach, which was initially rejected by our courts, was vindicated in 1989 when the Supreme Court of Canada handed down its decision in *Brooks et al v. Canada Safeway Ltd.* (1989), 1 SCR 1219, which found an employee benefit scheme which discriminated against pregnant employees to be in violation of the *Human Rights Act*. The Act also prohibited discrimination based on marital or family status.

481. The new *Human Rights Code* now makes it clear that the prohibitions against sex extend to "pregnancy, the possibility of pregnancy, or circumstances relating to pregnancy": s. 9(2)(*g*). It also continues to regulate unreasonable treatment based on marital or family status.

Specific measures designed to assist mothers to maintain their children in case of their husband's death or absence

482. In addition to the materials previously referenced, a surviving spouse may obtain under either *The Family Maintenance Act* or the (federal) *Divorce Act 1985* a maintenance order for spousal and/or child support that will be binding upon the estate of the other spouse. The surviving spouse may also apply at first instance under the *Testator's Family Maintenance Act* (soon to be replaced by the *Dependent's Relief Act*) for maintenance against a deceased spouse.

483. In Manitoba, orders for payment of maintenance for children, spouses or common law "spouses" may be enforced through the Maintenance Enforcement Program, which is operated by the Department of Justice. This program provides automatic enforcement at no cost, computerized monitoring of payments and free legal representation in court for persons seeking to enforce maintenance orders. As of December 31, 1989, approximately 8,900 active accounts were being handled by the Program, and during that year something in excess of $21,000,000.00 in previously unpaid maintenance payments was collected.

484. *The Child & Family Services Act* has now replaced *The Child Welfare Act*. It provides, amongst other things, that a minor parent may apply to a child caring agency for counsel and protection. The child support agreements for unwed mothers are now dealt with under *The Family Maintenance Act*.

C. Protection of children and young persons

Special measures for the care and education of children

485. *The Child & Family Services Act* provides for the placement of children through a voluntary placement agreement, surrender of guardianship through a voluntary agreement, or intervention by an agency to protect a child where the child is deemed to be in need of protection. The Act sets out specific examples or illustrations of a child in need of protection.

486. Where an agency decides a child is in need of protection, it has the authority to apprehend and place a child subject to a decision by the courts. An agency may apply to have a parent removed from the home or may proceed to court to obtain an order of guardianship or an order of supervision. Where a permanent guardianship is obtained, the designated agency may act as an adoption placement agency.

487. Child care provisions as referred to on page 215 of the first report are now the subject of separate legislation, *The Community Child Day Care Standards Act*.

488. *The Child Welfare Act*'s provisions concerning delinquent minors have been replaced by the procedures set out in *The Child & Family Services Act*. This act provides that a child in need of protection must be reported notwithstanding any professional confidentiality or privilege, except for information acquired by a solicitor. An agency may enter a home without warrant and may take a child to a place of safety. The agency must take reasonable steps to notify a parent and must apply to the court within four working days to keep a child in care. Matters are returnable within 30 days from the date of filing an application. Regulations also require agencies to refer child abuse cases to the police and to collaborate with the police and other professionals.

Article 11: Right to an adequate standard of living

A. General and specific measures — adequate standard of living

489. The Government of Manitoba continues to provide a social assistance program, which is facilitated by the *Canada Assistance Plan*. Emergency and short-term assistance to families in crisis situations are funded (if eligible) by the Province; but if the crisis is related to emergency measures operations, funding at first instance is through the municipalities. Recovery of assistance payments is not necessarily required in situations of overpayment resulting from false information; rather, *The Social Allowances Act* provides the necessary authority for such recovery, where circumstances warrant it.

B. Right to adequate food

490. There have been few substantive changes in this area. *The Milk Control Act* has been replaced by *The Milk Prices Review Act*, C.C.S.M. c. M130. It creates the Manitoba Milk Prices Review Commission, which sets the price paid to producers for fluid milk, based on a cost of production formula; the Commission may also, among other things, establish minimum and/or maximum prices for which fluid milk is sold by processors, distributors and retailers.

D. Right to housing

Principal laws, administrative regulations and collective agreements

491. Manitoba became directly involved in housing with the enactment of *The Housing and Renewal Corporation Act*, C.C.S.M. c. H160, in 1967. The Manitoba Housing and Renewal Corporation was created to administer housing programs. Over the years, the Province has participated both jointly with the federal government and unilaterally in the delivery of housing programs.

Measures aimed at expanding housing construction

492. Manitoba has participated in a variety of federal housing programs funded under different sections of the *National Housing Act*. This participation has resulted in the creation of some 15,000 units for low-income seniors and approximately 9,000 units for low-income families or individuals.

493. Currently, the Province participates jointly with the federal government in the delivery of additional social housing units under the Private Non-Profit, Public Non-Profit, Urban Native, Rural and Native, and Rent Supplement housing programs.

494. Over the years, the Province has initiated a number of unilateral programs to address housing needs through direct financial support and home rehabilitation assistance. The Province has also used housing as an economic stimulation tool. These programs have included direct mortgage lending for private sector rental, and home ownership, home repair, urban redevelopment, and shelter allowances.

Measures to solve the special problems of housing in rural areas

495. Through the Rural and Native Housing Program, the Province participates with the federal government in providing water and sewage services to existing northern and remote communities.

Measures for the protection of tenants

496. In 1976, Manitoba passed *The Residential Rent Regulation Act* to regulate rent increases under the authority of a Rent Regulation Bureau. The legislation was established as a permanent control measure with an allowable rent increase geared to the landlord's operating costs and what is fair to tenants as well. Under *The Landlord and Tenant Act*, C.C.S.M. c. L70, landlord and tenant matters are dealt with by a rentalsmen office separate from the rent review legislation.

Article 12: Right to physical and mental health

Principal laws concerning physical and mental health

497. Under *The Public Health Act*, medical officers of health and public health nurses may be appointed to assess the health of people within their area, and their powers include the right to require treatment in communicable disease cases.

498. In addition to the information provided with respect to *The Health Services Insurance Act*, the Manitoba Health Services Commission pays (in accordance with approved budgets) the operating costs of hospitals and personal care homes. It has the power to plan, organize, to develop a balanced and integrated system of hospitals, related health facilities and services throughout the province, with the approval of the Minister of Health. It also has the power to set standards and guidelines for, and to license, personal care homes.

499. *The Mental Health Act* has been substantially changed since our last report, particularly with respect to the detention of individuals at psychiatric facilities. These changes were the product of concerns arising with respect to the *Canadian Charter of Rights and Freedoms*, and comments made by the Manitoba Court of Appeal in *Thwaites v. Health Sciences Centre et al* (1988), 51 Man.R. (2d) 196, which found that the former provisions violated the right of patients to be free from arbitrary detention. The present provisions of the Act were challenged in *Bobbie v. Health Sciences Centre* (1988), 56 Man.R. (2d) 208 (Q.B.), and the amended provisions were found to adequately safeguard a person's rights in a way consistent with the Charter.

500. Under *The Dental Health Services Act*, C.C.S.M., c. D33, the Minister responsible may make arrangements for the provision of preventative and treatment dental services to beneficiaries; by regulation, these services are provided to children from six to ten years of age in specified school divisions where such services would otherwise be difficult to obtain.

501. Amendments to *The Pharmaceutical Act* require pharmacists to dispense an interchangeable product listed in the Government's Drug Standards and Therapeutic Formulary, where the substituted product is of a lower price, unless specifically directed otherwise by the prescriber.

502. Many health professions have professional legislation which provides for: peer group registration and licensing, if educational and other standards are met; establishment of standards of practice and codes of ethics; disciplinary procedures by the peer group (usually with some lay member representation), etc. Examples include: *The Medical Act*, C.C.S.M. c. M90, *The Registered Nurses Act*, C.C.S.M. c. R40, *The Licensed Practical Nurses Act*, C.C.S.M. c. P100, *The Chiropractic Act*, C.C.S.M. c. C100, *The Occupational Therapists Act*, C.C.S.M. c. O5, etc.

Measures taken to protect the environment

503. *The Clean Environment Act* was replaced in 1988 by *The Environment Act*, C.C.S.M. c. E125, which contains substantially enhanced protections and procedures relating to the protection of the environment, in order to better cope with present environmental needs and expectations. The legislation is an expression of the recognition that if economic growth is to be permitted, without sacrificing environmental quality, better institutional and technical tools are called for.

504. The Act expands the definition of environment to include physical, biological, social and economic considerations. It mandates the Department of Environment to address all types of environmental damage, including those unrelated to pollution *per se*; and it provides for a

licensing process which considers all the potential environmental impacts associated with any proposed development. It also strengthens public consultation and participation in the environmental decision-making process, and provides for an effective response to non-compliance by setting out stiff penalties for breaches of the legislation.

505. *The Waste Reduction and Prevention Act*, S.M. 1989-90, c. 60, has just been enacted, the purpose of the legislation being to reduce and prevent the production and dissemination of waste in the province through a system that includes deposits and handling fees on consumers of waste-producing products.

506. Another piece of legislation passed in the last session is *The Ozone Depleting Substances Act*. When this Act is proclaimed, it will provide the legislative framework necessary for the distribution and use of substances that deplete the ozone layer.

Disease control

507. Manitoba has taken an active role in the struggle against HIV/AIDs. The Department of Health has focused a great deal of attention upon a series of educational programs in the area. These include: a largely media based (television, radio, print) campaign to educate the general public on the subject; a special program aimed at school age children which forms part of the school curriculum in grades 5-12 (devised in co-operation with the Department of Education and Training); and more specialized programs targeting groups who are at increased risk of developing the illness. The Department of Health has also funded a street outreach program being implemented by the City of Winnipeg for drug users, street youth and prostitutes. It provides counselling and education for persons who have become infected by HIV, or who think they may have developed the infection. It provides HIV testing on a confidential basis to any person who wishes it. The Department is also involved in a new educational program for the medical profession, itself, in collaboration with the Manitoba College of Physicians and Surgeons. In summary, the Department is encouraging a response to this epidemic which attempts to be compassionate and caring, rather than punitive and regulatory.

508. It is impossible to separate the medical response to HIV/AIDs from the efforts to deal with resulting social problems arising out of discriminatory treatment of HIV victims. Manitoba prohibits unreasonable discrimination based on HIV illness (or perceptions of same) through the "disability" provisions of the *Human Rights Code*.

Article 13: Right to an education

509. The responsible government department is now known as the Department of Education and Training. In 1988-89, there were a total of 274,460 students, and provincial expenditures on education amounted to $857,187,600.00 (18 percent of the provincial budget).

A. Principal laws, etc.

510. The principal law governing education in Manitoba is *The Public Schools Act*, R.S.M. 1987, c. P250. It is supplemented by regulations issued under that statute.

B. Measures taken to promote the full realization of the rights of everyone to education with a view to achieving:

The full development of the human personality and the sense of its dignity

511. All elementary and secondary grades include a social studies curriculum designed: to develop within students a feeling of acceptance, self confidence, and a recognition of the dignity and worth of the individual; to encourage students to understand and accept the responsibility they have for shaping and directing their lives; and to encourage students to judge the importance of their role and purpose in groups and society.

The strengthening of respect for human rights and fundamental freedoms

512. A program has been established whereby presentations on human rights can be provided to schools and institutions upon request. The Manitoba Human Rights Commission has a statutory authority to administer such programs within its mandate.

The development of human rights teaching

513. The Manitoba Human Rights Commission now has a number of educational officers, part of whose time is spent either speaking directly to students on human rights issues or assisting in human rights training for teaching staff. Recently, the Commission and a committee of educators produced a document "Human Rights in the School", designed as guidelines to assist educators, students, parents, etc., in building an environment within our schools in which students could learn to respect and promote human rights for all.

The effective participation of all persons in a free society

514. Again, this goal has been promoted by the Manitoba Human Rights Commission through various activities, such as in-school programs.

The promotion of understanding, tolerance and friendship among all nations and all racial, ethnocultural or religious groups

515. Although all sectors of our society share responsibility for promoting positive race and cultural relations and an understanding of the universality of religion, there is a special responsibility placed upon our educational institutions in this regard. The new kindergarten to grade 12 social studies curriculum was designed: to develop positive attitudes towards the diverse cultures to be found in the local, national, international social environment; to encourage students to exhibit concern for the well-being and dignity of others; to encourage an understanding of social relationships by recognizing the interdependence of all people; to develop positive ways of dealing with prejudice, discrimination and stereotyping; etc. To supplement this, various special activities are implemented on a regular basis, including: the staging of in-school Folklorama days; the promotion of international clubs in schools; etc. In addition, an annual multicultural conference for students has been established, and a Multicultural Education Resource Centre has been created for educators in this province.

C. Right to primary education

516. Our previous report highlighted the provisions of s. 259 of *The Public Schools Act* which provides for free compulsory primary education.

517. Some of the special measures which are being taken to help ensure primary education to specific groups include the following: the Department of Education and Training supplies a part-time consultant for womens' studies; transportation is provided (by statute) for those students who have more than 1.6 km to walk in order to reach school, and to all students with physical or other handicaps; a small schools program makes additional funding available to small rural schools; a Child Care and Development Branch provides support services to school divisions/districts to assist them in developing appropriate programming for students with special needs.

518. In 1988, the Department of Education and Training spent $55,772,000.00 on special education. This includes programs at the Manitoba School for the Deaf and with respect to other support programs for disabled students. The Department also supplies a consultant for immigration and English as a second language, and operates programs designed to support children of immigrants.

519. A variety of languages are operating in Manitoba schools. As of 1988-89, 5,645 students were enrolled in French as a first language and 17,781 pupils were taking French immersion programs. A further 90,854 were enrolled in the basic French program; 6,000 students in German programs; and 1,300 in Ukrainian programs. In addition, there are language programs available in Hebrew, Icelandic, Mandarin and Latin.

520. The Department has a Native Education Branch with responsibility for program development to meet the special needs of native children.

D. Right to secondary education

Availability of technical and vocational secondary education

521. Technical and vocational education is supported under Manitoba Regulation 1/86, which provides for the direct support of vocational programs in respect of establishment grants as well as categorical grants in support of staff salaries, and other forms of operational assistance. The Department takes an active role in developing and delivering curriculum and program. Manitoba now offers vocational education in 34 high schools throughout the province. Exclusive of business education, there are approximately 45 craft or trade areas available for exploration by some 40,000 students throughout the province. The Province has also recently incorporated vocational educational programs into its distance education delivery system in a further effort to make vocational education available to all.

Factors and difficulties

522. The issue of providing secondary education to all northern students has been resolved by the establishment of the Distance Education and Technology Branch which provides a

computer network (MINET) for 500 subscribing schools, educational television programs to duplicate off-air or order through video tapes, over 150 printer and mixed media correspondence courses, more than 60 field base projects in new curriculum areas, professional development in Distance Education application of existing curricula and a 54 port teleconferencing network.

E. Right to higher education

523. There have been substantial increases in expenditures both with respect to Manitoba's community colleges and its universities. The Post-Secondary Career Development Branch of the Department continues to extend opportunities for post-secondary education and training to those who historically have been under-represented in post-secondary institutions. Of priority consideration are low income persons of aboriginal descent, recent immigrants, and single parents. Support may be either academic, social or financial in form. In 1988-89, programs developed through this initiative were serving the needs of 700 students.

F. Right to fundamental education

Measures taken for the fundamental education of persons who have not completed their primary education

524. The Adult and Continuing Education Branch has been established within the Department to assist in co-ordinating educational programs (including literacy programs) for adults. The Post-Secondary Career Development Branch has introduced a pilot program, Community-based University Entrance, which provides instruction for adults to achieve high school completion level in English, math, chemistry and physics. The Joint Committee under the Canada-Manitoba Training Agreement co-ordinates the adult basic education programs of the Employment and Immigration Commission of the federal government. The Department of Family Services has introduced education as part of the rehabilitation process for its users. Programs in this area are normally provided by local community colleges or universities.

525. The Department of Education and Training, libraries, literacy councils, several non-governmental community organizations such as Friendship Centres and schools, and literacy volunteers sponsor adult basic education programs. Sheltered workshops often provide basic educational skills to special client groups. The literacy initiative of the Department has included more than 20 community-based programs. The Department provides six professional staff to co-ordinate and support both institutional and non-institutional programs in the area of English as a second language for adult immigrants.

526. A Manitoba Task Force on Literacy was appointed in October, 1988, to examine the extent of illiteracy in the province, and to recommend a strategy for continuous literacy programming. In 1989, based on two of the Task Force's recommendations, the Manitoba Literacy Council was formed to develop an overall literacy policy for the Province, and the Manitoba Literacy Office has been established to implement that policy. In 1990, which is International Literacy Year, several new community-based learner-centred literacy programs will be developed and delivered under the guidance of that office, and it is anticipated that existing programs will receive additional provincial funding.

527. The General Education Development Program, referred to in our previous report has now assisted some 27,900 Manitobans (between 1972 and 1989) in obtaining high school equivalency certificates.

Factors and difficulties

528. In addition to those factors identified in our earlier report, factors hindering adult participation and basic literacy programs include inability to attend classes due to work-related or parenting duties, the distance that must be travelled to attend new or existing literacy programs, a lack of trained literacy teachers or volunteer tutors, and an unwillingness by some to enroll because of the stigma attached to being illiterate.

529. However, specific and disadvantaged groups are increasingly receiving access to fundamental education through programs such as the following: the University of Manitoba Access Program, a special pre-medical studies program for native Manitobans, the professional health program for native Manitobans, the Northern Bachelor of Social Work Program delivered by the University of Manitoba and Brandon University; the Northern Teacher Education Program; community college access programs and the Southern and Northern Nursing Programs delivered by Red River Community College, etc.

Statistics

530. Enrollments in adult basic education courses in Manitoba Community Colleges were 2,169 in 1988/89 and 2,130 in 1987/88. Of these, 35 percent were in the 15-24 age group, 43 percent in the 25-34 age group and the rest were in the 35 years or over age group. Enrollment by women accounted for 50 percent of the total.

G. Development of a system of schools

Provision of educational material

531. Recent initiatives have included: the creation of a Multicultural Education Resource Centre; library automation, which has improved teacher access to the existing resources and which has allowed remote dial-in to the bibliographic records of the branch; the development of policy and procedures for the Department regarding school libraries; the acquisition of a large video recordings collection which, in combination with an existing film library, provides a single, unified audio-visual support service; and a copyright license which is being negotiated with the Canadian Reprography Collective to permit teachers to use copyright materials freely and easily in their classroom while providing creators with financial compensation for the use of their literary and artistic works.

532. Manitoba Educational Television (METV) is a unit within the Distance Education and Technology Branch of the Department. It broadcasts educational programs for schools and at-home learners Monday through Friday on the Canadian Broadcasting Corporation network and on various cable stations throughout the province. On Sundays, two hours of METV programming is aired on the Portage la Prairie station MTN. METV also produces educational videos for schools and other client groups.

533. The Correspondence Branch, also a unit within the Distance Education and Technology Branch, provides elementary and high school courses to approximately 13,000 Manitobans annually. As well, over 3,000 teachers use their courses as instructional material.

H. Establishment of an adequate fellowship system

534. The principal regulation in this area is now Manitoba Regulation 467/88R, authorized under *The Education Administration Act*, R.S.M. 1987, c. E10.

535. The Government of Manitoba continues to provide help to students as explained in the first report on articles 13-15 (para. 564-571).

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

A. Right to take part in cultural life

Information on the availability of funds and public support for private initiative

536. The responsible government department is now known as the Department of Culture, Heritage and Recreation. Its 1989/90 budget is $20,347,300.00. Operating and capital support to major cultural institutions such as the Manitoba Arts Council and the Manitoba Museum of Man and Nature, totalled $8,603,300.00 in fiscal year 1989/90, while operating grants to public libraries have increased to $3,100,000.00. Grants to community arts and ethnic organizations in support of cultural and heritage programs, under the authority of *The Manitoba Lotteries Foundation Act*, C.C.S.M. c. L210, now total an excess of $19,000,000.00.

Promotion of the awareness and enjoyment of the cultural heritage of national ethnocultural groups and minorities and of indigenous people

537. The Province of Manitoba is committed to cultural activities to increase knowledge and understanding between cultures, working towards the elimination of all forms of discrimination, assisting all Manitoba's cultural groups to maintain their cultural heritage, and providing opportunities for all Manitobans to participate and contribute fully to the life of the province.

538. The Cultural Resources Branch of the Department of Culture, Heritage and Recreation offers several programs which are intended to maintain the cultural heritage of ethnocultural groups in the province. Specifically, the Ethnocultural Heritage Support Program provides support to non-profit, community based ethnocultural organizations whose prime objective is the preservation, promotion, development and sharing of the ethnocultural heritage of all Manitobans. The Linguistics Support Program offers grants to ethnocultural programs for school-age children outside the public school system.

539. The Manitoba Intercultural Council is an arm's length agency of the provincial government established, by act of the Legislature, to provide information and advice on behalf of Manitoba's ethnocultural communities. Through volunteer-based Standing Committees on

Cultural Affairs and Heritage Resources, Education and Youth, Human Rights, Immigrant Settlement, and Media and Communications, the Council analyzes government policies and proposed policy options for consideration by the Government of Manitoba. It also puts forward policy options to the federal government.

540. The Multicultural Grants Advisory Council processes grant applications from Manitoba's multicultural community organizations and determines grant allocations.

541. The Government of Manitoba is about to announce a policy on multiculturalism for the Province. The Multicultural Affairs Committee of Cabinet (MACC), which is chaired by the Minister of Culture, Heritage and Recreation deals with policy issues pertaining to multiculturalism. Manitoba also has a multicultural co-ordinator who was appointed to advance the best interests of the multicultural community and to stimulate various components of the multicultural community to participate in the development of a policy on multiculturalism.

Freedom of artistic creation

542. Since our last report, *The Human Rights Act* has been replaced by *The Human Rights Code*. Provisions of the former statute, which had contained some limitations on forms of expression which could be considered to have contributed to intergroup hatred or discrimination, have been amended. The regulation of hate propaganda or hate messages has now been left exclusively to the federal government (through the criminal law). The new *Human Rights Code* prohibitions with respect to expression now are limited to those forms of expression which directly relate to or promote discrimination in such public or quasi-public areas of activity as housing, provision of services and accommodation, employment.

Other measures

543. The Department of Culture, Heritage and Recreation and the Manitoba Art Council support a variety of programs in addition to the ones listed previously. Some examples are: promoting leadership training programs to assist community leaders to establish or improve cultural activities; assisting initiatives which provide Manitobans with the opportunity to become involved in cultural activities at the community, regional and provincial levels; and equalizing opportunities to participate in cultural programs not available in particular communities. One of the overall goals of the Cultural Resources Branch is to preserve, maintain and develop the culture and heritage of the people of the province, with full recognition of their diverse backgrounds and traditions. Other examples include the "artists in the schools" program which is designed to provide students and teachers with exposure to the arts, and the Access Program, which assists existing community organizations in providing opportunities to those artists who aspire to participate in the professional milieu. The Department is currently in the process of reviewing the arts in Manitoba with a view to developing a new policy.

Factors and difficulties

544. Our earlier report had highlighted the problems created by the concentration of population in the province's capital, Winnipeg. That skewed distribution of population has now become even more pronounced, with only 40 percent of our population residing outside Winnipeg.

8. SASKATCHEWAN

545. The following updates, to the end of 1989, the information contained in the initial reports on articles 10 to 12 and 13 to 15. Where applicable, subject headings from the previous reports have been preserved.

Article 10: Protection of the family, mothers and children

A. Protection of the family

(1) Principal laws

546. *The Dependents' Relief Act*, R.S.S. 1978, c. D-25, allows dependents of a deceased person to apply to a court for reasonable maintenance from the estate. Recent cases have confirmed the obligation of a person to provide "a meaningful contribution to his children's future, education and training" in the event of his death (*Cook v. Hrychuk* [1989], 31 E.T.R. 271), to provide for the maintenance of a spouse (*Harry v. Harry Estate*, [1988] 4 W.W.R. 46) and to provide for an incapacitated adult child notwithstanding that all his or her needs are met by provincial agencies but not to the extent that the entire burden of supporting the dependent is thrown upon the family (*Re Hanofski*, Sask. Q.B., February 22, 1985).

547. *The Intestate Succession Act*, R.S.S. 1978, c. I-13, provides for distribution of the estate of a person who dies without a will. If there is a spouse, the spouse receives the first $40,000. If there are children, the spouse and children share the remainder; if no children, the spouse receives the entire estate.

(2) Right of marriage

548. Section 53 of *The Marriage Act*, R.S.S. 1979, c. M-4, which restricted the right of marriage of mentally disabled persons and persons with a communicable disease, has been repealed (S.S. 1984-85, c. 38, s. 24).

549. Marriage of inmates at the province's correctional institutions, while not encouraged, is facilitated unless there are administrative, security or legal conflicts.

(3) Assistance to the family

(*a*) Creation of the Family Foundation

550. In 1988, the Premier of Saskatchewan tabled a paper on family issues at the annual Premiers Conference in Saskatoon. The Premiers unanimously agreed to co-sponsor a Family Policy Conference hosted by Saskatchewan.

551. In July, 1989, A Symposium About Families was held in Regina with 750 delegates from across the country. A broad range of policy issues affecting families was discussed

within the context of 10 panels. As a consequence of the symposium, the Ministry of the Family was created, as was the Family Foundation, an agency responsible for family policy.

552. The goal of the Family Foundation is to serve as a focal point for family policy in government and to evaluate the impact of government policies on Saskatchewan families. Another function of the Foundation is to establish and maintain effective communication with families in urban and rural communities through school, social groups, non-governmental agencies, human services agencies and religious organizations. An inter-departmental initiative, Forums about Families, provides community family workshops, which will be planned, organized and delivered by the communities themselves in response to their needs. The Foundation also seeks opportunities to provide information and promote lifestyles that teach positive living skills.

(*b*) Inmates in correctional institutions

553. All major correctional facilities promote contact between inmates and their families through extended telephone privileges, family and conjugal visiting. The family visiting unit program allows inmates and their families to spend up to three days in private time together approximately once every six to eight weeks.

B. Protection of children and young persons

554. *The Infants Act* continues as the legislation which allows the Court of Queen's Bench to oversee matters of custody and guardianship of their estates.

555. *The Public Trustee Act*, S.S. 1989, c. P-43.1, provides for the appointment of an official who is responsible for protecting children's property rights. *Christianson v. Public Trustee for Saskatchewan* (1986), 23 E.T.R. 179, affirms that, although the child's best interests are broader than financial benefits, the court will not act to the financial detriment of the child.

556. In 1989, the Saskatchewan Legislature gave first reading to *The Children's Law Act*, which would replace *The Infants Act* respecting custody and guardianship, allow for findings of parentage and enforcement of custody and access orders, and abolish the concept of illegitimacy.

Article 11: Right to an adequate standard of living

A. General and specific measures

557. While continuing to provide financial support through *The Saskatchewan Assistance Plan*, the Department of Social Services has instituted a number of programs, described below, to enhance employability through job training and education and thereby enable assistance recipients to become wholly or partially self-sufficient.

558. Saskatchewan Works, established in 1984, creates short-term jobs to provide work experience and on-the-job training for assistance recipients by providing subsidies for

employers. The average job length in 1989 was 22.2 weeks with an average wage of $6.44 an hour. As of October 1989, 629 jobs and 387 work placements had been created.

559. The Skills Development Program (1984) provides educational upgrading and/or vocational training in the province's universities and technical institutes. To date, the program has provided 12,460 spaces.

560. The Job Search Training Program (1988) is a three-week course which provides training in job search skills in the major centres of Saskatoon and Regina. Itinerant classes are provided in the smaller centres. The program has served 2,500 clients.

561. The Work Preparation Centres were established by non-governmental organizations beginning in 1973 to provide employment rehabilitation services to long-term clients with multiple problems in gaining employment.

562. Since 1984, the Department has provided vocational assessment, planning, referral and placement services.

563. The New Careers Corporation (1984) undertakes capital construction projects such as parks and recreational facilities. The Corporation employs assistance recipients for up to 18 months. In total, 552 clients have been employed.

B. Right to adequate food

564. The Department of Agriculture and Food develops agriculture programs and policies and provides technical advisory services directed at improving the economic and social well being of rural people. The following contribute to the realization of the department's objectives.

565. A number of marketing boards and commissions have been established to improve market performance and income stability for specific agricultural products. Commodities currently covered include beef, pork, milk, eggs, sheep and wool, poultry, vegetables, and pulse crops.

566. The Agriculture Development and Diversifications Secretariat was established in 1988. Its goal is to achieve a diversified and robust agri-food sector in Saskatchewan. A flexible diversified base will reduce the economic hardships caused by major changes in any single market. The Secretariat works closely with other government agencies and the private sector, using a market-oriented approach in order to plan and implement development and diversification initiatives.

567. The Economics Branch carries out agricultural economics research, develops stabilization programs, improves market efficiency, increases market opportunities, and attempts to create an economic environment that stimulates the agriculture and food industry in the province. It also provides information for improving the management skills of farmers.

568. The Livestock Branch creates programs and policies designed to encourage a viable, competitive livestock and livestock products industry in the province.

569. The Saskatchewan Farm Purchase Program provides interest rebate grants to assist owners of small- and medium-sized farms and young beginning farmers in purchasing farm land.

570. The Agricultural Credit Corporation of Saskatchewan has the mandate to encourage and promote the expansion of livestock, irrigation and other intensive sectors in Saskatche-wan agriculture. The mandate of the Corporation was expanded on September 1, 1989, making agricultural credit available for a greater number of uses under less restrictive criteria.

571. The Soils and Crops Branch provides programs to improve the competitiveness, productivity, and economic value of the Saskatchewan crop production industry. Through transfer technology the branch has improved the production of field, forage, horticulture, honey and wild rice crops while maintaining and improving soil productivity. The Branch also facilitates the development of value-added processing for Saskatchewan crops and regulates the use, distribution, and handling, of pesticides.

572. The Veterinary Branch has the responsibility to promote animal health through veterinary service and the provision of laboratory services, herd health and management programs for swine and cattle farmers, and meat inspection for domestic abattoirs.

573. In 1985, the Government of Saskatchewan established the Agriculture Development Fund (ADF) to fund and co-ordinate agriculture and food research and demonstration projects in Saskatchewan. Working with the Saskatchewan Department of Agriculture and Food, the Fund supports the development of innovations through an enhanced ability to co-ordinate funding and increased producer input by way of a board of directors.

C. Right to housing

574. The Saskatchewan Housing Corporation continues to administer *The Saskatchewan Housing Corporation Act*, R.S.S. 1978 c. S-24. The three principal objectives of the Corporation are as follows: to promote the construction and provision of improved housing for low-income persons, the elderly, students, social assistance recipients, and persons or groups who, in the opinion of the Corporation, require assistance; to improve the overall quality of Saskatchewan's housing stock in both urban and rural areas; to improve the quality of services and amenities related to housing.

Housing programs

575. The Innovative Housing Program encourages non-profit organizations and the private sector to develop creative solutions to local housing needs. Under the Program, funding is allocated following a province-wide competition which is open to any sponsor interested in providing housing. Proposals are judged on creativity, cost effectiveness and suitability. To receive subsidies, projects must provide accommodation for low income seniors, families or individuals in need of housing. Upon project completion, sponsors own and manage the facilities.

576. The Home Modification for the Disabled Program accommodates the housing needs of persons with disabilities. Any Saskatchewan resident certified as a physically disabled person is eligible. Where the household income is less than $23,000, the maximum of $2,000 is granted. Grants must be used for modifications to existing structures.

577. The Home Improvement Loans Program assists Saskatchewan home owners undertaking permanent improvements to their principal residence. All home owners are eligible. They may borrow up to $10,000 with a 6 percent interest rate, subsidized by the Province.

578. The Home Improvement Matching Grant Program assists the completion of any work of a permanent nature in a principal residence. Under the Program, Saskatchewan home owners may receive grants for half the cost of improvements to their homes, up to a total of $1,500. Proceeds of the grant must be used for work on the owner's principal residence only.

579. The Rent Supplement Program addresses the housing needs of low income earners in areas where vacancy rates are above average. Non-profit corporations, non-profit co-operatives or private landlords may apply for rent subsidies under the Program and upon approval, enter into an operating agreement based on a five-year term. Rent subsidies are available for a specific number of units for low-income tenants in a development. Applications must indicate support services that will be added to complement the lifestyles of proposed tenants. The owner receives an operating subsidy equal to the difference between the approved rental rate and the rent payable by the tenant at 25 percent of his/her income. The approved rental rate is negotiated annually to reflect current local conditions.

580. The Family Housing Program provides social housing geared to the needs of low income families. The housing units are managed by more than 1,500 volunteers working in the Province's network of local housing authorities. The 289 housing authorities provide housing for more than 9,600 families within the 19,000 units they manage. Rent for these units is set at a maximum of 25 percent of household income.

581. The Housing for Disabled Persons Program provides housing accommodation for low to moderate income families who have a member with a disability. In 1989, a total of ten bungalows were made available to disabled persons. Six were newly constructed homes and four were existing homes which were modified. Rental rates were established at 25 percent of the household gross income.

582. The Enriched Housing Program provides services to senior citizens which help them to maintain their independence by remaining in their own homes. Although any Saskatchewan resident over the age of 60 is eligible, preference is given to seniors with lower incomes.

583. A resident in an enriched housing project pays a monthly rent of not more than 25 percent of his/her income. Health care services are available on assessed needs basis through the Saskatchewan Home Care Program. Services vary from community to community based on the choices or needs of the seniors and local commitment. The community organizations, volunteers, families, and the residents themselves, provide the "enriched" services. The projects are operated by local housing authorities managed by a board of community volunteers. Such housing projects have been established in more than 200 communities throughout Saskatchewan.

Problems of housing in rural areas

584. Various measures have been taken to solve the special problems of housing, water supply and sanitary conditions in rural areas.

585. *The Water Corporation Act*, S.S. 1983-84, c. W-4.1, was enacted to improve water service delivery programs including flood protection, water supply and sewage disposal.

586. Stream flow forecasting, flood hazard designation and zoning and structural protection works are provided to communities to reduce flooding damages.

587. To enhance water supply and sewage disposal, municipal services are regulated and provided with technical and financial assistance to continue to expand and upgrade water related services.

Article 12: Right to physical and mental health

A. Principal laws

588. *The Mental Health Services Act*, S.S. 1984-85, c. M-13.1, provides official representatives for patients, strengthens appeal rights, and restricts the use of electro convulsive therapy.

589. An amendment to *The Saskatchewan Medical Care Insurance Act*, R.S.S. 1979, c. S-29, prohibits extra billing by physicians and other health professionals, effective August 1, 1985.

590. *The Home Care Act*, S.S. 1986, c. H-4.01, assists physically ill and disabled persons to live in their own homes.

591. *The Personal Care Homes Act*, proclaimed August 25, 1989, requires privately owned homes to meet quality standards for accommodation, care services and safety. These previously unregulated homes service 2,000 to 3,000 elderly and disabled residents.

592. *The Medical Laboratory Licensing Act*, proclaimed August 29, 1989, requires medical laboratories to hold licences and restricts the type of work each laboratory is entitled to undertake.

593. *The Saskatchewan Evidence Amendment Act*, proclaimed November 1, 1989, exempts quality assurance committees in hospitals and mental health facilities from being compelled to give evidence in court about the proceedings of those committees. This provision enables those committees to improve the quality of health care by removing the fear that their deliberations could be disclosed in court. Plaintiffs retain access to the original medical records, facts about any incidents, and the evidence of witnesses.

594. *The Prescription Drug Plan* was changed in 1987 to require a family-based minimum payment for drugs of $50 per year for a single senior citizen, $75 per year for a family with a senior citizen member, and $125 per year for all other families, before the Province would

make a co-payment of 80 percent of the cost of covered drugs. This replaced the earlier program which charged beneficiaries $3.95 per prescription.

B. Health protection for children

595. In 1987, the former school-based Dental Plan, which covered children aged 4 to 16, was replaced by the new Children's Dental Program, which covers children aged 5 to 13, and is provided by private practice dentists. In both programs, children received preventive and restorative dental care at no cost.

C. Disease control

596. In response to the growing concerns about Acquired Immune Deficiency Syndrome (AIDS), the Government has created an educational and prevention program. The cost of azidiothymidine (AZT) is covered by government. AIDS became a notifiable communicable disease in June 1985, as did seropositivity to the Human Immuno-Virus (HIV) in January 1988.

D. Financing health services

597. Table I provides detailed information on health services expenditures in Saskatchewan for the fiscal years 1986-87 and 1987-88.

Table 1: Saskatchewan Health Services Expenditures, 1986-87 to 1987-88, by Saskatchewan Health, Health Commissions and the Cancer Foundation

Program		Total Expenditure ($Thousands) 1986-87	Total Expenditure ($Thousands) 1987-88	Percentage Distribution 1987-88
Total		$1,236,151	$1,255,849	100.0
A. Ordinary Expenditures		$1,165,203	1,178,635	100.0
Saskatchewan Hospital Services Plan	(1)	520,764	524,210	44.5
Saskatchewan Medical Care Insurance Commission		209,066	215,401	18.3
Grant to Special-care Facilities		172,533	178,203	15.1
Grants and Allowances for Home Care		23,627	23,593	2.0
Saskatchewan Prescription Drug Plan		82,634	59,453	5.0
Mental Health Services Branch		29,085	27,953	2.4
Saskatchewan Dental Plan		17,485	15,670	1.3
Community Health Services	(2)	19,027	17,655	1.5
Saskatchewan Cancer Foundation		17,211	17,891	1.5
Grants to Health Agencies	(3)	16,662	17,073	1.4
SADAC		10,094	12,830	1.1
Laboratory & Disease Control Services	(4)	4,508	7,543	.6
Saskatchewan Aids to Independent Living		4,784	6,188	.5
Saskatchewan Hearing Aid Plan		1,896	1,853	.2
Northern Health Services		4,655	4,405	.4
Ambulance Services	(5)	7,853	7,052	.6
Lakeside Home -- Wolseley		1,913	2,020	.2
Accommodation and Mail	(6)	--	16,388	1.4
Administrative and Support Services		21,406	23,254	2.0
		$1,165,203	1,178,635	100.0
B. Capital		$ 70,948	77,214	--

(1) Includes Payments under The Hospital Revenue Act
(2) Includes Community Health Services and Communicable Disease Control in 1986-87
(3) Includes Grants to City Health Departments, Other Health Agencies, Grants in assistance of Clinical Services provided by the Medical Education System, Grant to the Saskatchewan Health Research Fund and Grants for Mental Health Services
(4) Disease Control Services were included in Community Health Services in 1986-87
(5) Includes Grants to Ambulance District Boards and charges for Air Ambulance Services
(6)
Payments to Saskatchewan Property Management Corporation for Accommodation and Mail began in 1987-88

Source: Saskatchewan Health Annual Report for the Year Ending March 1988.

E. Statistical information

Infant mortality

598. There were 157 infant deaths in Saskatchewan in 1986 for a rate of 9.1 per 1,000 live births. This was a decrease from 203 infant deaths in 1981 (11.8 per 1,000 live births).

599. In 1986, 51 (32.5%) infant deaths occurred during the first day of life. Ninety-six (61.1%) infant deaths occurred within the first month. The male infant mortality rate was 10.3 per 1,000 live births and the female rate was 7.5 per 1,000 live births.

600. In 1986, the major causes of infant deaths were: congenital — 43 deaths or 27.4% of infant deaths; immaturity — 5 deaths or 3.2%; hypoxia, asphyxia and respiratory — 44 deaths or 28.0%; influenza and pneumonia — 7 deaths or 4.5%.

Stillbirths

601. There were 108 stillbirths (20+ weeks gestation) in Saskatchewan in 1986 for a rate of 6.2 per 1,000 live births. This was a reduction from 137 stillbirths or 8.2 per 1,000 live births in 1981. In 1986, males accounted for 51.9% of the total. Stillbirths occurred most frequently in the gestation periods of 20-27 and 38-40 weeks. The average age of mothers bearing stillborn children was 25.6 years. The average age of mothers whose children were liveborn was 25.8 years.

Communicable diseases

602. The number of deaths resulting from selected notifiable communicable diseases increased to 20 in 1987 from 10 in 1983 largely due to AIDS. The 20 deaths were the result of the following diseases: AIDS (9); tuberculosis (5); hepatitis A (1); hepatitis B (1); herpes (1); meningitis bacterial (1); meningococcal infections (1); and salmonellosis (1).

603. Here is a list of selected major communicable diseases in Saskatchewan in 1987, with the number of cases and rate per 100,000 population: salmonellosis, 374 (36.9 p. 100,000); gastroenteritis, 762 (75.2); shigellosis, 240 (23.7); hepatitis A, 124 (12.2); hepatitis B, 87 (8.6); giardiasis, 675 (66.6); tuberculosis, 141 (13.9).

Venereal diseases

604. In 1987, there were 3,327 reported cases of chlamydia for a rate of 328.1 per 100,000 population, 1,824 cases of gonorrhoea (179.9/100,000) and 7 cases of syphilis (0.7/100,000). Chlamydia first became notifiable in 1984. There was a 11.3% decrease in notified cases of gonorrhoea from 1983, and a 65.2% decrease in the cases of syphilis since 1983.

Accidents

605. In Saskatchewan, in 1985, there were 482 fatal accidents. Statistics by type of accident reveal the following: motor vehicle (traffic), 209; falls, 91; drownings, 25; fires, 23; suffocation, 23; poisoning, 28; motor vehicle (non-traffic), 11; other transportation, 8; other accidents, 64.

606. In addition, in 1984-85, there were 19,443 hospitalized accident cases (1,890/100,000) resulting in 164,621 patient days. The new reporting system for hospitalized accident cases is not directly comparable to the earlier information. The total breaks down as follows, by type of accident: falls, 6,043; motor vehicle accidents, 2,559; struck against or by persons or objects, 1,100; poisoning, 689; other transportation, 483; cutting or piercing instruments or objects, 457; hot substance or object, 251; overexertion and strenuous movement, 566; fires, 148; drowning, 37; suffocation, 80; other accidents, 7,030.

Physicians

607. In December 1988, 1,388 physicians were in active practice in Saskatchewan. This resulted in a provincial physician-to-population ratio of 1:752.

Hospitals

608. In 1988, there were 134 general hospitals in Saskatchewan with a total rated bed capacity of 7,264. There were, therefore, 6.9 hospital beds per 1,000 population in Saskatchewan.

Article 13: Right to education

A. Legislation

609. The basic legislative framework for education in the province is provided by *The Education Act, The Regional Colleges Act, The Institute Act, The University of Saskatchewan Act*, and *The University of Regina Act*.

B. Measures to promote the full realization of the right to education

(1) Full development of the human personality and the sense of its dignity

610. *Directions: The Final Report* (1984), published by Saskatchewan Education, lists the objectives of the school system as: preparing students for the future, ensuring quality education, attending to the unique needs of Northern and Indian/Native students, providing efficient planning strategies and ensuring leadership. To meet these objectives a new Core Curriculum was developed. The Core Curriculum is divided into two major components: the required areas of study; and the common essential learnings. The required areas of study

consist of language arts, mathematics, science, social studies, health education, arts education and physical education. The common essential learnings consist of skills in communication, numeracy, critical and creative thinking, technological literacy, independent learning, personal and social values, and skills.

(2) Development of human rights teaching

611. The goals of education in Saskatchewan include: understanding and relating to others, spiritual development and membership in society. These components have been integrated into the social studies curriculum to help foster the recognition and respect for the rights and properties of individuals from different racial, religious, social and personal backgrounds.

(3) Effective participation of all persons in a free society

612. The education system incorporates principles which teach individuals how to: assume responsibility for their own decisions and actions; work with others to achieve individual and group goals; participate in the democratic process while respecting the rights and properties of others; act in accordance with the ethical framework reflecting the qualities of honesty, integrity, compassion and fairness; and exercise the right of dissent responsibly and in accordance with personal conscience and social justice.

C. Right to primary education

613. The Northern Education Task Force was established to develop a strategy for ensuring access of northern residents to education services and to improve student retention and achievement.

614. Regulations to *The Education Act* require that school boards provide appropriate services for all disabled students and also allow boards to provide services to pre-school children.

615. In 1988, francophone parents were granted the right to manage and control French schools. In 1989, the Task Force on French School Governance was named to oversee the implementation of the francophone education system.

616. The Educational Development Fund, established in 1985, makes funds available to support initiatives in the areas of life skills, drop-out prevention and alternative programs, for students who have experienced difficulty in the regular program. Between 1985 and 1988, $50 million was received by school divisions from the Fund.

617. Saskatchewan Education has developed a comprehensive Indian/Métis Education Policy for Kindergarten through Grade 12. The objectives of this policy are: to include Indian and Métis content in all curricula and materials, to involve Indian and Métis peoples in the education system at all levels, and to improve the success of Indian and Métis students in school.

618. The Indian and Métis Education Development Program provides grants to school divisions to implement and maintain Indian and Métis educational programming.

619. Education Equity Plans, which increase the number of native teachers, have been developed by the majority of school divisions having a native student enrollment of more than 5 percent.

620. Particular emphasis is placed on decreasing drop-out rates. A Student Retention Council has been established to develop a student retention strategy. A new division in Saskatchewan Education has been created to develop programs to improve student retention.

D. Right to secondary education

621. The new Core Curriculum is considered to be developmental in nature and is based on a Kindergarten to Grade 12 curriculum. At the secondary level (Grades 10-12), the curriculum allows for more locally determined options to facilitate local priorities and greater student choice. These options make programs more responsive to community needs and make education more meaningful to students.

622. Technical education course credits (including computer literacy and practical and applied arts) are required for students from the Middle Level (Grades 6-9 inclusive) onwards. These courses are intended to complement the study of academic subjects. Job preparation programs and advanced technical and vocational training are carried out in post-secondary technical institutes.

E. Right to higher education

623. Institutions comprising Saskatchewan's post-secondary system include two universities, the four campuses of the Saskatchewan Institute of Applied Arts and Science (SIAST), and nine regional colleges. The universities offer degree and post-graduate programs in the professions, sciences, arts and humanities as well as some diploma or certificate courses. SIAST provides skill training in a wide variety of occupations, e.g. trades, technologies, agriculture, engineering, community and social services, administration and business as well as literacy and academic upgrading programs. Regional colleges, located in rural locations throughout the province, offer university and SIAST programs on an extension basis as well as literacy and adult basic education programs and career counselling services. In addition, the Province's apprenticeship program trains skilled tradespeople in 32 designated trades.

(1) Specific measures to promote accessibility based on capacity

Distance education

624. Distance education initiatives provide greater accessibility to post-secondary education in the rural and northern areas of the province. These include: the Saskatchewan Skills Extension Program which provides funding to deliver SIAST's skill training courses through the regional colleges; the delivery of university courses through teleconferencing and satellite systems; and the development of a comprehensive telecommunications system to deliver educational programs throughout the province.

Equity plans

625. Education and employment equity plans are being developed within the post-secondary system to increase the participation of women, persons of native ancestry and persons with disabilities in programs and occupations where they are under-represented.

Persons of native ancestry

626. Three post-secondary institutions have been established to serve students of native ancestry: the Saskatchewan Indian Federated College, the Saskatchewan Indian Institute of Technologies, and the Gabriel Dumont Institute of Native Studies and Applied Research.

627. The Native Career Services Division of SIAST, under the joint management of the Saskatchewan Indian Institute of Technologies and the Gabriel Dumont Institute, provides a range of programs and services for students of native ancestry.

628. The College of Arts and Science, University of Saskatchewan, has implemented an education equity plan for students of native ancestry.

629. The Non-Status Indian and Métis Program provides financial support for academic upgrading, pre-trades and life-skills training.

Northern education

630. The Northlands Career College, one of the province's regional colleges, offers a wide range of post-secondary education programs to northern residents. These include: university and SIAST credit courses, adult basic education, pre-employment, and small business management. Learning centres are located in many communities throughout the region.

631. The Northern Training Program provides funding and support, including training allowances, for adult basic education and skill training courses offered through Northlands Career College.

632. The Native Career Development Program, jointly managed in the north by the Indian and Native Affairs Secretariat and Saskatchewan Education's Northern Division, works with employers to train and place persons of native ancestry in career positions.

(2) Financial assistance to students for higher education

633. The Special Incentive Program provides financial assistance and remission benefits to eligible students from the following groups: custodial single parents, Non-Status Indians or Métis, Vocational Rehabilitation of Disabled Persons participants, and Northern Careers Program participants.

634. The Interest Relief Plan provides interest relief and deferred payments over a specified time period for students unable to repay their loans due to unemployment, illness, disability, pregnancy or other extenuating circumstance.

(3) Factors and difficulties related to accessibility to higher education

635. It is difficult to provide equal accessibility to higher education within a large, sparsely populated province. Distance education and northern initiatives have been established to provide educational opportunities for residents in all areas of the province. There has been an

increased demand for post-secondary education at a time of continuing financial restraint within post-secondary institutions.

F. Right to fundamental education

(1) General and specific measures related to fundamental education

636. Adult basic education programs are provided through the Saskatchewan Institute of Applied Science and Technology (SIAST) and the regional colleges. Students can be sponsored through federal and provincial programs. Non-sponsored adult basic education students are eligible for assistance under the Saskatchewan Student Loan Program.

637. The Province's Literacy Campaign, designed to improve the reading and writing skills of Saskatchewan adults, includes the following components: volunteer tutor programs; small group and traditional classroom sessions offered through SIAST and the regional colleges; a public awareness campaign on literacy; and the computer-based IBM Pals (Principle of the Alphabet Literacy System) Program. The Campaign promotes participation by persons of native ancestry, single parents, rural and northern residents and women with special needs. The Saskatchewan Literacy Foundation has been established to raise and allocate funds for literacy research and development.

(2) Factors and difficulties affecting implementation

638. Particular groups such as persons of native ancestry continue to have lower levels of education than others in the province. As noted previously, programs have been developed to upgrade their educational standing. In addition, initiatives to promote student retention within the K-12 system have been undertaken.

(3) Statistics

639. The Literacy Campaign's goal is to assist, between 1987 and 1990, 10,000 people in developing reading and writing skills. In 1988, 1,086 persons took English as a Second Language classes. In 1987-88, approximately 8,000 persons were enrolled in adult basic education programs as compared to 6,000 in 1985-86.

G. Development of a system of schools

640. In 1987-88, there were approximately 200,000 kindergarten to grade 12 (K-12) students in 920 schools in Saskatchewan. Approximately 3,200 of these students were enrolled in private schools.

641. Enrolment at the province's two universities for 1987-88 was 19,700 full-time students and 6,700 part-time students.

642. *The Institute Act* established the Saskatchewan Institute of Applied Science and Technology (SIAST) to provide comprehensive skills training across Saskatchewan. SIAST consists of four campuses located in the larger Saskatchewan urban centres. Programs are

available on-campus and across the province in communities where they are offered in co-operation with regional colleges. While each campus specializes in some subject areas, certain programs may be available on more than one campus. Enrollments for the 1987-88 year were approximately 27,000 students.

H. Measures to promote respect for the right to choice of schools

643. There are approximately 45 elementary and secondary private schools in Saskatchewan serving 3,200 students. These schools provide an alternative for parents with specific educational requests, e.g. conformity with their religious or moral convictions.

644. In 1989, Saskatchewan Education hired a Director of Independent Schools to oversee the establishment of a system for inspecting, regulating and registering private schools. The system will identify private schools which qualify for property tax exemptions, establish clear criteria and guidelines for the operation of these schools, and help these schools to achieve their goal of providing a quality education to their students.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

A. Right to take part in cultural life

645. The *Department of Culture, Multiculturalism and Recreation Regulations*, c. G-5.1 Reg.-22., established a department with general responsibility to monitor cultural, social and recreational developments in the province and to initiate, and encourage programs, activities and facilities.

646. Government support through the Department of Culture, Multiculturalism and Recreation assists the development of heritage, multicultural and arts organizations throughout the province. Incentive grants are provided to heritage property owners for purposes of restoration, and to museums and galleries to improve their operations. Financial support is provided to promote multiculturalism and to teach heritage languages. Assistance is provided to Indian and Métis communities to retain their traditional cultural, social and economic pursuits.

647. The Department also provides financial and consultative assistance to ethnic and multi-cultural organizations wishing to conduct ethnic research, mount retention or preservation programs, heritage language classes or multicultural festivals.

648. The Department of Justice, Corrections Branch, has initiated a number of programs in Correctional Centres. Because native people represent approximately 65 percent of the admissions to Saskatchewan correctional facilities, programs are designed to promote the awareness and enjoyment of native culture. These programs include: pow-wows, sweat lodges, smudges, pipe ceremonies, feasts; personal religious counselling, and educational sessions (by native elders); native self-help groups; cultural workshops; cultural use of sweetgrass.

B. Right to enjoy the benefits of scientific process and its application

649. *The Department of Science and Technology Act*, S.S. 1983-84, c. D-22.3, established a department to promote the development of science and technology for the social, economic, and cultural benefit of the province.

650. The Department of Science and Technology delivers programs such as the provision of assistance to industry to undertake applied research to develop technological products and processes and to transfer technology to industry. The Department has also earmarked fund-ing to support research focusing on environmental technologies in the areas of agriculture, waste disposal and environment monitoring.

651. To enhance public awareness and participation in science and technology, the Department supported the establishment of the Saskatchewan Science Centre, which offers interactive displays. The Department also supports the expansion of Science Fairs in the schools and assists the participation of Saskatchewan high school students in university-industry science-entrepreneurship programs.

652. The Department of Science and Technology participated in the signing of a twinning agreement between Jilin province, China, and the Province of Saskatchewan. The Agreement provides for the exchange of scientific and technological information of benefit to both provinces.

653. The Department played a role in the formation of two provincial associations to enhance co-operation in science and technology. One association involves manufacturers of high-technology products, the second, software developers. As well, the Department has provided assistance to other scientific associations whose activities are essential to the development of Saskatchewan's science and technology community.

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9. ALBERTA

Introduction

654. Alberta's contribution to Canada's first reports on articles 10-12 and articles 13-15 provided information on legislation, practices and policies that gave effect to the provisions of the Covenant. These two reports were submitted separately. The present report contains information not mentioned in the first reports on these articles as well as information on new developments since their preparation.

Article 10: Protection of the family, mothers and children

A. Protection of the family

655. In recognition of the importance of the family, the Alberta Government changed the name of the Department of Social Services to the Department of Family and Social Services and provided the Minister with the authority to take or direct any action considered appropriate or necessary to enhance and strengthen the role of the family in Alberta. Moreover, the *Family Day Act* provides for an annual statutory holiday known as "Alberta Family Day" in recognition of the importance of the family.

656. The *Reciprocal Enforcement of Maintenance Orders Act* was amended to provide for more efficient and effective implementation.

657. The *Employment Standards Code* provides for an unpaid adoption leave of up to eight weeks to an employee who has been employed for a continuous period of at least 12 months and who is the adoptive parent of a child under the age of three years.

658. The Alberta Government hosted a conference in February 1990 entitled "Celebrating Alberta's Families". The purpose of the conference was to identify significant challenges facing families within the context of a changing society, and to develop strategies for action which will strengthen and support the family. The strategies for action will be the basis for initiatives to be undertaken by the Premier's Council in Support of Alberta Families.

B. Maternity protection

659. Section 64(2) of the *Employment Standards Code* ensures that pregnant women in employment are eligible for 18 weeks of unpaid leave, distributed as required by pregnancy and employment circumstances. The maternity leave provisions of the Code apply to all female employees including farm and domestic workers. Section 72(1) of the Code provides for the protection of seniority accumulated by the employee up to the commencement of maternity leave, while on the said leave. Section 71 of the Code prohibits dismissal of an employee who has commenced maternity leave.

660. Amendments brought to the *Individual's Rights Protection Act* in 1985 protect women from discrimination in employment because of pregnancy. The amendments ensure that an

employer cannot terminate a pregnant woman's employment, or preclude her from training programs or opportunities for promotion, by reason only of pregnancy.

C. Protection of children and young persons

661. The *Social Care Facilities Licensing Act* now provides for the licensing of day care centres to ensure compliance to the minimum program, health and building standards.

662. The *Child Welfare Act* imposes legal responsibility on parents to protect their children, and establishes criteria for intervention by the Province to provide protection services to children where the parents have failed to do so. The Act also enables parents to obtain services to assist them in caring for children with special needs. This is intended as a mechanism to strengthen families with children with disabilities and to prevent the disintegration of the family unit in these circumstances.

663. Section 2.1(1) of the *Child Welfare Act* provides for the creation of the Office of Children's Advocate. This office was created in 1988 to represent the rights and interests of children receiving services from the Department of Family and Social Services.

664. Sections 75 and 76 of the *Employment Standards Code* and the *Adolescents and Young Persons Employment Regulation #82/81* outline provisions governing work by children and young persons in Alberta. The Regulation supplements the provisions of the Code and establishes the parameters of "Adolescent" and "Young Person" employment.

Article 11: Right to an adequate standard of living

A. General and specific measures to achieve an adequate standard of living and a continuous improvement of people's living conditions

665. The *Widows' Pension Act* provides a pension benefit to widows and widowers between the ages of 55 and 64 who have limited income.

666. The *Métis Betterment Act* provides for the establishment of agricultural collectives on lands set aside for the use of the members of Métis Settlement associations. Regulations pursuant to the Act provide for the distribution of interests in settlement lands upon the death of a member.

B. Right to adequate food

Measures taken to achieve the most efficient development and utilization of natural resources

667. Current measures taken by the Alberta Department of Agriculture to give effect to this provision include: Farm Financial and Management Training Programs; Alberta Farm Fertilizer Price Protection Plan; Fresh Vegetable Production Incentive Program; Grasshopper Control Assistance Program; Feed Grain Market Adjustment Program; Temporary Emergency Water Supply Program — Crop Insurance Modifications encourage producers to use drought affected crops for feed; Livestock Drought Assistance Program; Feed Freight Assistance Program; Hail and Crop Insurance Corporation Program; Alberta Pork Producers Market Insurance Plan; creation of the Leduc Food Processing Development Centre to improve the

competitive position of Alberta's food processing industry; creation of the Federal-Provincial Committee on Agricultural Trade to promote and co-ordinate Alberta's views on market access and liberalization of international trade in agricultural products with other provinces and the federal government; credit services to provide direct assistance to farmers.

668. The Department of Agriculture provided administrative and program support to some 230 agricultural societies in the province to enhance community life in rural Alberta. Programs such as fairs, shows, displays and exhibitions were funded. This amounted to over $117,000 in operating, capital and fair grants.

Measures to improve methods of production and the quantity and quality of food produced

669. The *Alberta Agricultural Research Institute Act* established the Agricultural Research Institute to co-ordinate agricultural research resources and expand research in five priority areas: production efficiency, agricultural processing, marketing, resource conservation, and diversification. Grant programs are administered to encourage increased private industry participation in agricultural research.

Measures to reduce crops and post-harvest losses and waste and to prevent degradation of resources

670. The *Weed Control Act* requires an owner or occupant of land to destroy all restricted weeds growing or located on the land and prevent their spread, growth or ripening.

671. The *Ground Water Development Act* now provides for the licensing of water drillers and specifies the standard of well construction for the development and protection of ground water.

672. The Alberta Department of Environment provides information on weed science and crop protection to the people of Alberta and other government departments and agencies. Other ongoing programs undertaken by the Alberta Department of Environment to give effect to the above provision include: Pest Management; Diagnostic and Extension Services; Provincial Groundwater Observation Well Network; Water Resources Inspection Services; Groundwater Resources Information Services; Wastewater Irrigation and Sludge Spreading; Financial Assistance for Water Management; River Forecast Centre; Emergency Water Pumping Program; Land Reclamation Monitor; Sand and Gravel Program; Reclamation Program for Derelict Land.

C. Right to housing

Measures for the expansion of housing construction particularly for low income families

673. The Alberta Mortgage Interest Shielding Program, introduced in 1989, protects homeowners from current interest rates higher than 12 percent on the first $75,000 of existing and new mortgages from March 1, 1989 to February 28, 1991. The Alberta Family First-Home Program was introduced to assist first-time buyers in making their down payment, or in reducing the interest payments on the first $4,000 of their first mortgage for five years.

Measures taken to solve special problems of housing, water supply and sanitary conditions in rural areas

674. Several projects have been initiated to improve the water and sewer facilities in isolated northern Alberta native communities.

Article 12: Right to physical and mental health

Principal laws to promote and safeguard the right of everyone to enjoy the highest attainable standard of physical and mental health

675. The *Blind Persons' Rights Act* was amended in 1983 to include deaf persons. It is now called the *Blind or Deaf Persons' Rights Act* and ensures that a blind or deaf person who is accompanied by a guide dog or a hearing dog is not discriminated against with respect to services or accommodation customarily available to the public.

676. The new *Mental Health Act*, proclaimed in force January 1, 1990, provides a broader protection of the rights of involuntary psychiatric patients. Under sections 26 and 29 of the Act, the involuntary patient will now have the right to object to treatment if he/she is determined to be mentally competent to do so. Section 27 of the Act permits such a patient to appeal decisions on competence to a Mental Health Review Panel. Furthermore, section 28 provides for the appointment of persons to make treatment decisions on behalf of patients found incompetent to make treatment decisions and section 29 allows these patients to object to treatment and appeal treatment decisions to Mental Health Review Panels. Section 45 of the Act now provides for a Mental Health Patient Advocate to receive and investigate complaints relating to formal patients, i.e. those patients detained in a facility pursuant to two admission certificates or two renewal certificates. The duties of Mental Health Review Panels have been expanded to include hearing appeals from involuntary patients with respect to competence and treatment decisions as well as review of admission and renewal certificates.

Schemes and programs to prevent, treat and control epidemics and diseases

677. The *Public Health Act* requires that public officials be notified regarding specified communicable diseases and sets out both a court and extra-judicial procedure authorizing the apprehension, examination and treatment of individuals who refuse to obtain treatment for highly contagious diseases, including tuberculosis and certain sexually transmitted diseases. The amendment of the Act in 1988 resulted in subjecting incurable infectious diseases similarly to the aforementioned proceedings. The *Communicable Disease Regulation, A.R. 238/85* was amended in 1988 by *Alberta Regulation 375/88* to add "Chlamydia Trachomatis Infections (genito-urinary)" to the list of notifiable sexually transmitted communicable diseases and to add "Chlamydia Trachomatis Infections (genito-urinary)" and "Human Immunodeficiency Virus Infections" to the list of diseases for which a certificate, isolation order, or warrant for examination may be issued.

Measures to provide adequate health services for all age groups and all other categories of the population

678. The *Public Health Act* provides authority under the *Treatment Services Regulation (A.R. 248/85)* to provide cleft lip palate dental services, mobius syndrome dental services, cystic fibrosis treatment, phenylketonuria treatment and rheumatic fever treatment. The regulation

was amended in 1987 *(A.R. 494/87)* to include other severe medical conditions not referred to above.

Measures to promote environmental and industrial hygiene

679. The Alberta Government, in 1990, established the Alberta Round Table on Environment and Economy to act as a high-level policy advisory body providing the Government with publicly issued recommendations on broad environment and economy matters. The Round Table complements the work of the Alberta Environment Council on a conservation strategy for the Province and will include in its membership three citizens-at-large appointed through a publicly advertised call for nominations. In 1987, the Alberta Department of Environment commissioned the Inhalation Toxicology Facility, to conduct inhalation studies to determine the toxic effects of gases, vapours, particulates, and aerosols on living organisms. Other measures taken by the Alberta Department of Environment to give effect to this provision include: providing information on the quality of air and water, and on the results of studies on wastewater; litter control; licensing beverage containers; Pollution Emergency Response Team; Hazardous Waste Manifest System; pesticide management; Alberta Waste Management Assistance Program; Pesticide Container Collection Program; grants to 35 municipalities which participated in the 1986 Biting Fly Control Financial Assistance Program. In the area of recycling, the Resource Recovery Grant Program provided 15 resource recovery grants ranging from $1,400 to $20,000 to communities and organizations funding recycling projects throughout the province.

Article 13: Right to education

Right to primary education

680. Education in Alberta is "directed to the full development of the human personality" as stipulated in article 13(1) of the *School Act*. Tolerance is promoted, and the curricular materials approved by the Alberta Department of Education are reviewed using criteria designed to foster tolerance and understanding.

681. The Alberta Government released the *Native Education Policy* in 1987. The Policy supports the development and delivery of programs, learning materials, and services that provide opportunities for all students, native and non-native, to recognize and appreciate the various native cultures and their many contributions to the province and to Canadian society. With respect to this policy, the Alberta Department of Education has been involved in a number of activities including: the development of curriculum resources for the social studies and art curriculum; conducting teacher awareness programs focusing on native children in provincial schools; providing financial support for local school native education projects; development of native language curricula at all public school levels; organizing an Annual Native Parents' Conference. The Alberta Department of Municipal Affairs also sponsors an annual Conference on native education for native people and non-native school boards to work together to improve the quality of education in provincial schools in the areas of curriculum development and cross-cultural awareness. In addition, this department has funded field trips intended to encourage within the province travel for elementary and secondary schools located in isolated predominantly native communities with the objective of creating cross-cultural awareness.

682. To increase equity of access and flexibility for rural high school students in sparsely populated areas, the Alberta Department of Education established the Distance Learning in Small Schools Project in 1987. Students in the project's pilot schools use currently available correspondence lessons enhanced through the use of aids including computers, telephones and facsimile machines.

Right to higher education

683. Section 10 of the *Department of Advanced Education Act* empowers the Minister to regulate the four existing Alberta Vocational Centres. These vocational centres offer a variety of adult education courses and programs in the areas of basic education, academic upgrading, English as a second language and various occupational and career programs. These programs are available to all individuals including refugees whose status is not yet determined.

684. By virtue of the Lieutenant Governor in Council's authority under section 4(1) of the *Universities Act*, RSA 1980, c. U-5, the University of Lethbridge and Athabasca University have been established.

685. To improve access by native people to post-secondary education, an interdepartmental task force has been created. This task force meets with native students, parents, educators and administrators, to identify the transition needs of native students and make recommendations to the Alberta Department of Advanced Education.

686. The Alberta Department of Municipal Affairs has funded native education awareness programs to promote cross-cultural awareness to post-secondary educational institutions which have a native student support mechanism.

Improving material conditions of teaching staff

687. The material conditions of the teaching staff are being continuously improved. Conditions of employment are governed by the *School Act* and the *Teaching Profession Act* which provides for a Teachers' Association, and by collective agreements between the Teachers' Association and school boards.

Right to choice of school

688. Parents/guardians are at liberty to enroll their children in either private or public schools and, where applicable, the separate school systems. Accredited private schools, some of which are religiously oriented, are also entitled to some financial support from provincial public funds. Section 23 of the *School Act* allows parents to provide home education subject to supervision by a school board and appropriate government regulation.

Article 15: Right to take part in cultural life and enjoy the benefits of scientific progress and the protection of authors' interests

Right to take part in cultural life

689. The *Alberta Cultural Heritage Act* creates the Alberta Multicultural Commission and establishes the Multicultural Fund to pay for programs and services related to the objectives of the Act. The objectives of the Act are: (1) to encourage respect for the cultural heritage of Alberta; (2) to promote tolerance and understanding of others through appreciation of the

ethnocultures that make up the cultural heritage of Alberta; (3) to recognize that the presence of ethnocultural groups in Alberta provides Albertans with an opportunity to develop relationships with other countries; (4) to foster an environment in which volunteer groups and individuals can contribute to the cultural heritage of Alberta; (5) to enhance the cultural heritage of Alberta so that present and future Albertans can benefit from its richness and diversity; (6) to encourage sharing of the knowledge and traditions of ethnocultural groups; and (7) to encourage the preservation, enhancement and development of artistic, historical and language resources by ethnocultural groups in Alberta.

690. During the fiscal year 1986-87, the Alberta Government provided over $8 million in funding for the visual, performing, film and literary arts. Assistance was provided for the education and training of artists and to support participation in these art forms by individuals and groups. In the same year, libraries throughout the province received $12,179,067 in funding which allowed for the expansion of the regional library systems.

691. Cultural heritage programs received funding totalling $776,000 in 1986-87 including funding for cultural heritage schools which taught over 11,000 students in 42 different languages. Also 51 Alberta communities received funding to support Heritage Day festivals.

692. Annual funding by the Alberta government for historical development totalled $19.7 million in 1987-88. As part of the Heilongjiang-Alberta Archaeological Research Project, two staff of the Archaeology Survey of Alberta visited the Chinese province. The Head-Smashed-In Buffalo Jump World Heritage Site was opened in 1987. It provides an excellent record of the culture of the Indians of Southern Alberta. A new museum was also opened -- the Reynolds-Alberta Museum -- which is responsible for the preservation, study and exposition of the history of agriculture, industry and transportation, with particular reference to Alberta since its settlement by non-aboriginal peoples. The Ukrainian Cultural Heritage Village was a Canada-wide focus for the celebration of the Millennium of Christianity in Ukraine (1988-1988).

693. In 1986, the Alberta Government created the Department of Technology, Research and Telecommunications to develop policies and implement programs which promote: the further diversification of the provincial economy by emphasizing advanced technologies, including information and communications; and the development and commercialization of applied research. The Department carries out its mandate through several programs. The Development and Commercialization Program monitors new technological innovations, assesses the commercial potential of new products, provides advice to high technology firms and institutions in the commercialization of technology, promotes the marketing of advanced technology products manufactured in Alberta, and encourages investment in advanced technology developments in Alberta. The Financing of Technology and Research Projects Program provides financial assistance in three areas: (1) research and development facilities to encourage growth in scientific advanced technology sectors; (2) entrepreneurs and the scientific community to encourage the commercialization, including development, adaptation and transfer, of technology products, processes and services; and (3) the Alberta Heritage Foundation for Medical Research for the commercialization of medical technology. The Natural Sciences and Engineering Program provides financial assistance to the Alberta Research Council in support of its research and services in the fields of natural sciences, energy, engineering, biotechnology, and advanced technologies and to the Electronics Test Centre which offers testing and evaluation services to Alberta's electronics industry.

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10. BRITISH COLUMBIA

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694. British Columbia wishes to highlight the establishment of a Ministry of Native Affairs. This Ministry has a mandate to enhance the relationship between aboriginal peoples and the provincial government. Wherever possible, the independence of native groups is encouraged, for example, in the delivery of social service programs. More detail is provided in the response to article 15.

695. In addition, British Columbia wishes to highlight the new mandate for education in the province, which focuses on the complete intellectual and personal development of the student as a member of society. This focus is established in the mission statement:

> The purpose of the British Columbia school system is to enable learners to develop their individual potential and to acquire the knowledge, skills, and attitudes needed to contribute to a healthy society and a prosperous and sustainable economy.

Article 10: Protection of the family, mothers and children

A. Protection of the family

Principal laws

696. Since the previous report, the *Human Rights Code* has been repealed and replaced by the *Human Rights Act*, S.B.C. 1984, c. 22. The *Married Women's Property Act* was repealed as it was in conflict with the newly enacted *Canadian Charter of Rights and Freedoms*.

Measures to assist in establishing the family

697. Several ministries are contributing to a program entitled "Strengthening the Family". Initiatives include the provision and promotion of programs and materials focused on positive parenting, assisting families with children who have special needs, the development of support groups that promote family independence by helping people meet their own needs, review of policies which may present unintended barriers to maintaining family relationships, and funding for a new program of pre-marriage counselling and education.

698. The British Columbia Institute on Family Violence has been established through the Forensic Psychiatric Services Commission in co-operation with universities and the private and voluntary sectors of the province. The Institute will develop an integrated, co-ordinated approach to the investigation, treatment and research into family violence (child abuse, wife or spousal assault and elder abuse).

Measures to protect the family

699. Benefits previously available to sole support mothers are now also available to sole support fathers.

B. Maternity protection

700. The *Human Rights Act* no longer includes protection for discrimination "without reasonable cause". However, primary protection from termination of employment due to pregnancy or maternity leave is still provided under both the *Employment Standards Act* and the *Human Rights Act* which considers discrimination due to pregnancy to be prohibited by reason of sex.

C. Protection of children and young persons

Principal laws

701. A new piece of legislation is the *Young Offenders (British Columbia) Act*, S.B.C. 1985, c. 24.

Special measures

702. In 1985, a regulation was added to the *Motor Vehicle Act* which ensures that children under age six are safely restrained in motor vehicles in properly designed seats.

703. Under the *Law and Equity Act*, R.S.B.C. 1979, c. 224, there is no distinction between the status of a child born inside marriage and a child born outside marriage. The *Family and Child Service Act* provides that where the safety and wellbeing of a child are in jeopardy, he or she may enter into the care of the Superintendent of Family and Child Service by court order or voluntary parental agreement. Protective care options include foster family care, group homes, specialized treatment centres, adoption, and supervised independent living for older teenagers.

704. In October 1987, the Ombudsman of British Columbia appointed a Deputy Ombudsman for Children and Youth, the first such office in Canada. This position is specifically responsible for co-ordinating Ombudsman investigations into complaints regarding the provision of services to children by government ministries, for developing outreach programs to ensure direct accessibility for children to the Ombudsman's office, and to act as a liaison with provincial and local agencies concerned with children's issues.

705. A number of programs provide assistance to families of severely disabled children to care for them at home. Financial assistance, medical equipment, therapy, etc. is provided as well as respite care. For families unable to provide home care, trained families are available to take children into their homes.

706. In keeping with national changes, British Columbia introduced the *Young Offenders (British Columbia) Act*. Under this approach, delinquents aged 12 to 17 are guaranteed anonymity, provided with a "family advocate" and, where possible, dealt with outside the court system. Mental health clinics provide assessment and treatment when ordered by a court.

707. Child welfare agreements have been signed between the Government of British Columbia and three native Indian bands and tribal councils, giving the bands a more active role in delivering child welfare services. Also, the native children's band will be consulted

when permanent plans are being made for their care if they have been charged to the responsibility of the Superintendent of Child Welfare.

Article 11: Right to an adequate standard of living

B. Right to adequate food

Principal laws

708. Since the previous report, the *Agricultural Land Development Act* has been repealed. The *Agricultural Credit Act*, R.S.B.C. 1979, c. 8, was not previously mentioned. The *Food Choice and Disclosure Act*, S.B.C. 1989, c. 66, is designed to permit the identification and labelling of food products under provincial regulation. It will permit "organic" (i.e. grown without pesticides) food regulations to be developed. The *Farming and Fishing Industries Development Act*, S.B.C. 1989, c. 27, provides a way for farmers and fishermen to take collective action on research, market development and food quality standards more easily.

Nutrition education

709. An innovative program of grocery store tours enables consumers to make healthy food choices. Another project is based in restaurants, with nutritionists helping restaurateurs to offer nutritious selections. Consultation is also provided by the Ministry of Health to the dietitians in care facilities for the elderly. Booklets on prenatal nutrition are widely distributed.

C. Right to adequate clothing

710. There have been no significant changes in this area.

D. Right to housing

Principal laws

711. Since the previous report, the *Pollution Control Act* has been repealed and was replaced by the *Waste Management Act*, S.B.C. 1982, c. 41.

Special programs

712. In response to current concerns about shortages of affordable rental housing, the Ministry of Social Services and Housing established the British Columbia Rental Supply Program in June 1989. Under this program, financial incentives will be offered for the construction of new affordable family housing. At the same time, a Government Land for Housing Task Force was appointed which will identify government-owned lands which could be made available for housing projects.

713. The British Columbia Housing Management Commission (BCHMC) administers the Province's social housing program and the 8,000 public housing units which belong to the Province. Over 50,000 units of social housing are administered by various non-profit and co-operative societies which are receiving (or have received in the past) financial assistance through provincial, federal-provincial, or federal housing programs. Tenants in social housing

units are expected to pay no more than 30 percent of their income for rent. The BCHMC also offers start-up grants for non-profit housing.

714. A Renters' Tax Reduction was introduced in 1989 to reduce provincial taxes for low-income renters.

715. The B.C. Housing Management Commission has established a computerized registry of government-owned and private sector housing units which are wheelchair accessible.

716. Municipal incentive grants will be made available by the Province to encourage municipalities to develop comprehensive plans for multiple-dwelling housing, and municipalities will receive a further grant of $2,500 for each new unit of rental housing.

717. The First Home Grant and the Family First Home Grant described in the first report are no longer available. However, a Home Owner Grant Program, which reduces property taxes, continues. The Province also offers start-up grants for seniors housing projects.

Protection of tenants

718. The revised *Residential Tenancy Act* continues to provide an avenue of appeal for tenants with concerns about termination of tenancy, monetary disputes, repairs of their housing units, etc. The Government will appoint arbitrators to resolve differences between tenants and landlords and suggest the appropriate remedy.

719. On June 26, 1990, changes were introduced to the *Residential Tenancy Act* which prohibit discrimination against families with children in tenancies, except in buildings which are specifically to be rented by seniors or people with disabilities. Other changes require landlords to obtain prior municipal approval before converting vacant rental units to leases exceeding 20 years, and require fair disclosure in the sale of manufactured homes.

Article 12: Right to physical and mental health

A. Principal laws

720. Since the previous report, the *Factory Act* has been repealed and replaced by the *Workplace Act*, S.B.C. 1985, c. 3. The *Community Care Facility Act*, R.S.B.C. 1979, c. 57, should also have been noted in British Columbia's previous report as it is the legislation which sets standards and regulations for the provision of small residential health care facilities in local communities.

B. Special measures

Health care

721. The basic system for delivery of health care has changed little since British Columbia's first report. In this report we indicate two areas of note indicating a change of direction over this period, followed by a number of specific programs.

722. Deinstitutionalization - Under this program, adults and young people who have been confined to large institutions due to their mental illness or mental disability are being returned

to smaller, regionally located psychiatric in-patient facilities or group homes in their home communities. This move has been carefully planned to ensure that the home communities are ready and able to accept and care for these individuals. To date one large institution has been closed and the program is continuing.

723. Home-Based Care for the Elderly - Again, in a move away from institutional living, the Province of British Columbia has introduced a number of programs whereby the elderly are assisted to stay in their own homes, rather than move to nursing homes as their health begins to deteriorate. This initiative has included provision of nursing care in the home as well as assistance with homemaking and meal preparation. Senior citizens are monitored carefully as they enter hospital for short-term treatment and when they return home following hospital stays. A number of programs have recently been introduced to educate the elderly in maintaining a healthy lifestyle and managing their medications.

724. Healthy Development of the Child - Initiatives to assist children before they are born as well as after, include: expanded prenatal counselling services; the *Nobody's Perfect* parenting project targeted to low-income, often single parent, families; *Pregnancy Outreach*, which combines counselling with nutrition for high-risk pregnant women; and the development of protocols aimed at improving the delivery of health supports within the school system.

725. The Province has initiated a program of financial assistance for British Columbia native students in post-secondary programs in health care related disciplines. This incentive program is aimed at addressing the under-representation of native people employed in the health care field.

726. Amendments have been made to the *Mental Health Act* to make it consistent with the *Canadian Charter of Rights and Freedoms*. These amendments eliminate the "welfare test" as a basis for involuntary committal, and shorten the period between committal review certificates and determining the need for continued treatment.

Environmental and industrial hygiene

727. Amendment of the *Waste Management Act* in 1988 broadens and strengthens controls to finance cleanup and long-term management of special waste storage and disposal facilities.

728. The British Columbia Workers' Compensation Board (WCB), along with all other provinces and the federal government, has introduced the Workplace Hazardous Materials Information System which requires the labelling of all hazardous materials and the education of all workers who come in contact with such materials. The WCB has also, in consultation with workers, employers and other interested parties, been undertaking a substantial revision of its Occupational Safety and Health Regulations. The WCB has a major rehabilitation centre and vocational rehabilitation service, whereby injured workers learn to overcome their injuries and disabilities and return to their jobs or retrain for new employment.

Control of diseases

729. Since the previous report, the Ministry of Health has undertaken an extensive educational program with regard to Acquired Immune Deficiency Syndrome (AIDS), including specialized information pertaining to the workplace, an AIDS clinic and diagnostic services, street workers to work with the most vulnerable population (i.e. prostitutes, street

youth, and intravenous drug users), and development by the government and major employers of AIDS policies for their workplaces. All of these efforts focus on the need to control and prevent the spread of the disease, while respecting the basic rights of individuals who are infected. The British Columbia Council of Human Rights has established that discrimination because an individual has AIDS is contrary to the *Human Rights Act*.

Comprehensive plans and measures

730. It should be noted that low income individuals in the province are eligible for a medical insurance premium subsidy covering up to 95 percent of the cost of the premium.

731. In April, 1982, British Columbia completed a $45 million children's hospital, located in the city of Vancouver, which serves all children in the province who require specialized care.

Statistics

732. In British Columbia, the perinatal mortality rate has dropped from 12 per 1,000 births in 1978 to 10.7 per 1,000 births in 1987. The provincial physicians to population ratio increased from 1:559 in September 1977 to 1:491 in March 1988; in rural areas, the ratio went from 1:1277 in September 1977 to 1:833 in March 1988.

Article 13: Right to education

A. Legislation

733. In recent years, three new acts have been introduced: the *Teaching Profession Act*, S.B.C. 1987, c. 19, discussed below in "I"; the *Independent School Act*, S.B.C. 1989, c. 51, discussed in "J"; and the *School Act*, S.B.C. 1989, c. 61.

734. The *School Act* has undergone its first revision in 31 years. New directions include an increased focus on the total development of each individual learner, increased reporting of a student's achievements to the student and his/her parents, efforts to clarify the role of an individual in the development and monitoring of his/her educational program, the extension of full collective bargaining rights to teachers, and the ability of parents to educate their children at home provided that these children are registered at a local public school, a regional correspondence school or an independent school.

B. Measures taken to promote the full realization of the rights of everyone to education with a view to achieving the full development of the human personality, etc

735. In 1987, a Royal Commission on Education was established to review all aspects of the public and independent education systems. Its recommendations resulted in the new legislation noted above, as well as an overall new mandate for education. New measures ensure: that students remain in school to complete their education; that individual students abilities determine their learning program, with more complete integration and recognition of disabled children, aboriginal children, and immigrants; and that gender barriers are overcome.

736. The B.C. Council of Human Rights completed, in 1989, a detailed curriculum and teachers' guide on human rights for students in social studies and law courses in grades 11 and 12.

737. The province's Advisory Committee on Cultural Heritage has recommended assistance for small independent teaching programs, to help immigrant children maintain the language of their parents.

738. School boards in the largest urban centre of the province have established a number of programs to offset possible racial tension related to recent Asian immigration. Various techniques have been developed to foster appreciation of other cultural traditions, including interpersonal exercises, skits and discussions on the impacts and dynamics of racism.

Right to higher education

739. Further progress has been made in developing the delivery of post-secondary education in the more remote areas of the province. Additional student spaces have been made available for 6,400 community college students and 8,600 university students. Plans are advancing for the establishment of a fourth university in the province, to serve the remote northern parts of the province, including special programs to meet the needs of native Indians.

740. A provincial task force has been formed on Post-Secondary Education for native Learners. This committee, which includes representatives of the indigenous community, will advise the government on education and job training programs for indigenous students. The aim of this committee is to provide advice on how to increase the number of native Indians participating in post-secondary education.

741. A special fund has been established to provide support services for disabled students. This fund will be available for community colleges, to provide various types of special equipment as well as to undertake renovations to their facilities if necessary. A further amount is available to provide support services, such as note takers or sign language interpreters.

Right to fundamental education

742. An Advisory Committee to the Government was established to find ways to expand literacy training in British Columbia. It has made a number of recommendations to enhance the delivery of literacy programs to adults.

Improvement of the material conditions of teaching staff

743. As of January 1, 1988, teachers have come within the ambit of the *Industrial Relations Act* and can now form or join trade unions and engage in full collective bargaining. Teachers' unions now have the right to strike. The *Teaching Profession Act* requires all teachers to become members of the College of Teachers, which is a licensing body with the mandate to establish standards for the education, professional responsibility and competence of its members. In addition, the new *School Act* requires principals and vice-principals to be members of the College.

Right to choice of school

744. The *Independent School Act* establishes the relationship between the government and independent schools which operate outside the public school system. The independent school sector accounts for approximately six percent of all students in the province.

745. British Columbia's previous report contained detailed information on the following items of the UN guidelines: C. - Right to primary education, D. - Right to secondary education, G. - Development of a system of schools, H. - Establishment of an adequate fellowship system, and K. - Liberty to establish and direct educational institutions. There is no major change to report under these items.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of the interests of authors

A. Right to take part in cultural life

Measures and programs aimed at promoting awareness and enjoyment of the cultural heritage of national ethnocultural groups and minorities

746. In 1986, the Government of British Columbia established the Native Affairs Secretariat to resolve long-standing native concerns in the province. In 1988, this Secretariat became a full fledged Ministry of Native Affairs. The main goals of the Ministry are: to form good working relationships between native people and the provincial government; to encourage and support social, cultural and economic initiatives for native people; to help native bands or tribal councils seeking self-government; to help solve problems between native people and the provincial government; and to advise the Cabinet Committee on Native Affairs on policy related to native people. The Ministry has initiated or co-ordinated a number of programs and initiatives, including a plan to establish a First Peoples Heritage, Culture and Language Centre. This Centre is being planned through consultation with the Native Advisory Committee on Heritage, Language and Culture, and will serve to preserve the cultural traditions and language of British Columbia's first residents.

747. The new *School Act* permits a school board, subject to the approval of the Minister of Education, to provide an educational program in a language other than English or French (s. 5). In addition, a school board may enter into an agreement with a council of an *Indian Act* (Canada) band or with the council of an Indian band established by another federal act with respect to the education of Indian children.

Role of the media in promoting participation in cultural life

748. Since June 1981, the Government of British Columbia has operated an educational television network known as the Knowledge Network. This network, also known as the Open Learning Agency, was formed by the Minister Responsible for Post-Secondary Education in an attempt to provide basic as well as advanced education to individuals in all areas (including remote areas) of the province.

B. Right to enjoy the benefits of scientific progress and its applications

749. The Premier's Advisory Council on Science and Technology, as well as the Ministry of Advanced Education, Training and Technology, have initiated a number of policies and programs which support professional education, liaison between universities and the private sector, development of biotechnology, and greater public awareness of the advances in technology and science.

C. GOVERNMENTS OF THE TERRITORIES

1. YUKON

Article 10: Protection of the family, mothers and children

A. Protection of the family

1. Principal laws

750. The *Family Property and Support Act* guides the distribution of assets when a family separates and includes specific provisions governing the family home and requirements for support. The *Human Rights Act* includes family status, marital status and pregnancy as prohibited grounds of discrimination. The *Maintenance and Custody Orders Enforcement Act* and the *Reciprocal Enforcement of Maintenance Orders Act* provide mechanisms for the enforcement of support orders, including orders originating in other jurisdictions, at no cost to the recipient. The *Social Assistance Act* provides financial assistance to individuals and families who meet financial eligibility requirements. The *Child Care Act* supports the development of and access to day care services. Assistance is provided including financial aid to operators, to keep fee levels reasonable, and subsidies to low-income parents, to offset fees. The *Dependant's Relief Act* ensures that an estate makes adequate provision for the proper maintenance and support of dependents.

2. Right to freely enter into marriage

751. The *Marriage Act* requires that parties be 15 years of age to marry and have parental consent if under 19 years of age. If parental consent is denied, a court may issue an order dispensing with the consent requirement. The Act also stipulates that a marriage cannot be solemnized if either party does not speak or understand the language being used unless there is an independent interpreter.

3. Measures to facilitate establishment of a family

752. Family planning information is provided by the Family Life Education Program.

753. Home ownership assistance is available through the Yukon Housing Corporations's Lease Purchase and Owner Build programs, and the government's Homeowners Grant.

754. Families are assisted in obtaining rental accommodation through the Yukon Housing Corporation's Non-Profit Housing Program.

B. Maternity protection

755. The *Human Rights Act* prohibits discrimination in employment and access to public services on the basis of pregnancy or pregnancy related conditions.

Prenatal and postnatal protection and assistance

756. The *Health Care Insurance Plan Act* and *Hospital Insurance Services Act* provide free access to medical care associated with maternity. Women who are receiving social assistance are eligible for an extra food allowance during pregnancy and lactation.

Protection and assistance for working mothers

757. The *Employment Standards Act*, which applies to the private sector, entitles women who have 12 months of continuous service to up to 17 weeks leave without pay for maternity and a comparable position on return from leave.

758. As an employer, the Government of Yukon has entered into collective agreements which entitle unionized employees to up to 37 weeks maternity leave without pay, adoption leave, and some days of paid leave, with a guarantee of the same or a comparable position on return from leave. There are also provisions for paid leave to care for an ill child or meet other special circumstances. Similar benefits are given to most non-unionized employees.

Specific measures if husband dead or absent

759. Single-parent women and their children are entitled to financial support through the *Family Property and Support Act* and the *Dependant's Relief Act*. If their income is below established thresholds, they may be eligible for child care subsidy and/or social assistance. Single parents may receive social assistance without any requirement that they seek employment while their children are of preschool age.

C. Protection of children and young persons

Principal laws

760. The *Children's Act* provides for the protection of children when their best interests are not being served. The Act allows for state intervention to ensure adequate care for children who are neglected, abused or otherwise deemed to be in need of protection. The law establishes specific maximum time limits for temporary care. It establishes processes for the investigation of child protection concerns and allows the official guardian to appoint a child representative if the matter proceeds to court.

Special measures for care and education in special circumstances

761. The *Child Care Act* and regulations provide for standards and monitoring of short-term child care facilities. Counselling, respite, financial assistance and education services are available to assist in the care of children with physical, mental and social handicaps. The

Education Act includes provision for an Individualized Education Plan for any student with special needs.

762. Children who are in conflict with the law are eligible under the *Children's Act* to be diverted out of the criminal justice system and into guidance, counselling and treatment programs.

Provisions governing work by children and young persons

763. The minimum wage provisions of the *Employment Standards Act* do not apply to children under 17 years of age. The hours of work provisions do apply unless the employee is a member of the employer's family. The requirement of school attendance to 16 years contained in the *Education Act* is some measure of limit to work by children.

764. The mine safety regulations of the *Occupational Health and Safety Act* prohibit children under 18 years from working underground and children under 16 years from working at surface mining, with the exception of placer operations.

Article 11: Right to an adequate standard of living

A. General and specific measures

765. The objective of the government's Department of Health and Human Resources is "to improve the health and social condition of individuals, families and Yukon communities". The foundation legislation for ensuring that all Yukoners have an adequate standard of living is the *Social Assistance Act* under which aid is provided to individuals and families in need.

766. Other legislation which protects an adequate standard of living include: the minimum wage regulations under the *Employment Standards Act*; the *Garnishee Act*, which ensures individuals retain at least $600 to 1,000 per month to support themselves and dependants; the *Yukon Seniors Income Supplement Act*, which provides extra assistance to seniors whose income is limited to federal pensions; and the *Pioneer Utility Grant Act*, which assists elderly residents with the cost of maintaining an independent home.

B. Right to adequate food

767. The Government has recently proposed an agriculture policy which is in a process of public review. There would be extension and research services to encourage agricultural development and an agricultural land policy to provide for the conservation, utilization and management of Yukon lands for agricultural uses.

Principal laws

768. The *Agricultural Products Act* establishes quality control for foods produced or processed in the Yukon, and the *Agricultural Development Act* provides for the preservation and promotion of agricultural potential in the territory. The *Wildlife Act* establishes rules for the harvesting of wild game and for the protection of the habitat of animals harvested for food.

Measures to improve knowledge of food conservation methods

769. The research and extension services of the Agriculture Branch include measures to improve food conservation.

Measures to improve food distribution

770. Social programs are in place to ensure supplies of food to needy groups.

771. The *Wildlife Act* allows Indian and Inuit peoples to harvest wildlife for food.

772. Waste of meat and the abuse of domestic or wild animals are prohibited under the *Animal Protection Act* and the *Wildlife Act*.

Measures to improve food consumption levels and nutrition

773. Social assistance food allowances under the *Social Assistance Act* are based on the cost of a nutritious diet.

Measures to reduce food adulteration and contamination

774. Regulations under the *Agricultural Products Act* set food standards. The *Public Health Act* regulations address sanitation in eating or drinking places and the production and sale of milk.

Measures taken for dissemination of knowledge of nutrition

775. The Agriculture Branch disseminates knowledge of nutrition through its newsletter.

C. Right to adequate clothing

776. The social assistance program pursuant to the *Social Assistance Act* provides a monthly clothing allowance for individuals in need. The allowance is augmented each autumn for the acquisition of winter clothing.

D. Right to housing

Measures to expand housing construction and to assist homeowners

777. The *Housing Corporation Act* establishes a corporation to work for adequate, affordable and suitable housing for Yukoners. The Yukon Housing Corporation constructs housing and makes grants or loans for the purposes of acquiring, constructing or improving housing. Programs to expand family housing construction include the Owner Build Program which provides a financial bridge to those owner-builders unable to obtain extended construction financing through the private market, the Turn-Key Program which provides for agreements with the private industry to purchase new homes for use as social housing, the Joint Venture Program which matches the developer's equity to meet capital costs, and the Extended

Mortgage Guarantee Program which lets builders of new homes in rural Yukon get insured mortgages based on a cost appraisal rather than market appraisal. The Corporation also supports the construction of special purpose housing for seniors, victims of family violence and those needing extended health care through the Non-Profit Housing Program.

778. The *Home Owners Grant Act* provides a grant to winter residents.

Use of scientific and technical knowledge

779. Standards for building and construction safety are established in the *Boiler and Pressure Vessels Act*, the *Building Standards Act*, the *Electrical Protection Act*, the *Elevator and Fixed Conveyances Act*, the *Fire Prevention Act* and the *Gas Burning Devices Act*. The *Civil Emergency Measures Act* makes provision for emergency planning.

780. The *Energy Conservation Assistance Act* addresses concerns about energy efficiency. The Saving Energy Loans Program provides interest-free loans to owners to improve the thermal efficiency of their premises. The Yukon Energy Alternatives Program provides contributions and low-interest loans to assist companies and agencies in discovering, developing and demonstrating the use of the alternative energy sources.

781. The Yukon Homebuilders Association and Yukon College have established a Northern Building Science Centre to take on education, technology transfer and research roles in addressing building concerns unique to the north.

Measures to solve special problems of housing in rural areas

782. The programs of the Yukon Housing Corporation address the special market problems of building adequate housing in rural areas. In addition to the construction support programs, the Corporation operates the Rural and Native Housing Program which assists with home ownership or maintaining rent geared to income in rural and native communities.

Measures to protect tenants

783. The Yukon Housing Corporation operates a Non-Profit Housing Program which provides subsidized rental family housing. The Corporation also provides financial support to tenants associations. The *Landlord and Tenant Act* details tenants' legal rights and responsibilities and those of landlords.

Article 12: Right to physical and mental health

Measures to reduce stillbirth rate and infant mortality and measures for the healthy development of children

784. Public health prenatal care and neonatal public health and hospital care as well as services such as well-baby clinics, immunization, preschool assessment and a school dental program are provided by the federal government with funding from the territorial government.

785. The Government of Yukon provides funding to the Child Development Centre to offer physical and cognitive assessment and treatment services for infants and preschool children with special needs.

Measures to protect environmental and industrial hygiene

786. The Government is implementing a comprehensive Conservation Strategy which addresses environmental protection along with resource and heritage issues.

787. Regulations under the *Public Health Act* address disposal of sewage and garbage. Regulations under the *Occupational Health and Safety Act* set industrial health standards and practices.

Measures to prevent, treat and control diseases and accidents

788. The *Occupational Health and Safety Act* sets standards and procedures to prevent occupational accidents and diseases. Regulations under the *Health Care Insurance Plan Act* establish the Chronic Disease and Disability Benefits Program and the Pharmacare Program, which entitle eligible individuals to receive medications and devices to treat or control their diseases or disabilities free of charge. The *Public Health Act* has regulations to control communicable diseases and includes mandatory reporting.

Comprehensive and specific plans for health services

789. The *Health Care Insurance Plan Act* and the *Hospital Insurance Services Act* entitle residents to a broad range of free health care and hospital services. The *Mental Health Act* provides for the care and protection of the mentally ill.

Article 13: Right to education

A. Principal laws

790. The Yukon Department of Education is responsible for public schools, which include Catholic and French separate schools, advanced education, French and aboriginal language training, libraries and archives. Relevant legislation includes the *Education Act*, which replaces the *School Act* referred to in the previous report, and the *Teaching Profession Act* (both to be proclaimed in August 1990), the *College Act*, the *Student Financial Assistance Act*, the *Apprentice Training Act* and the *Access to Information Act*.

791. The recently passed *Education Act* features provisions for greater involvement of parents and communities in education and curriculum content, rights to French-language instruction, an obligation to provide aboriginal language and cultural studies and provisions for individualized education plans for children with special needs.

B. The full realization of the right of everyone to education with a view to achieving the full development of the human personality, etc.

792. The *Education Act* sets out the guiding principles for education in the Yukon, which comprise the goal of developing "the whole child, including the intellectual, physical, social, emotional, cultural and aesthetic potential of all students to the extent of their abilities" and the

requirement "that the Yukon curriculum must include the cultural and linguistic heritage of Yukon aboriginal people and the multicultural heritage of Canada".

793. Teachers and administrators receive ongoing training in cross-cultural and race relations awareness as applicable to teaching and curriculum development.

C. Right to primary education

794. The *Education Act* requires that every child between the ages of 6 years, 8 months and 16 years on September 1st of any year shall attend school. The Act provides for free education to every school-age person resident within the Territory and defines the rights of students in need of special education programs.

795. Elementary schools are established in every community in Yukon. When a student's home is more than 3.2 km from the school, section 47(2) of the *Education Act* requires that the minister provide transportation to and from school, an allowance in lieu of transportation, accommodation, or an allowance in lieu thereof, or provide an educational program by distance education.

796. The policy with respect to integration of children with physical or mental disabilities continues under the new *Education Act*.

797. Section 7 of the Act allows Roman Catholics to establish separate schools.

798. Since 1980, the French Immersion Program, offered in Whitehorse only, has expanded from primary grades to Grade Ten (as of September 1990).

799. The Act obliges the Minister of Education to develop and deliver aboriginal language programs, provides the option for an education program to be offered in full or in part in an aboriginal language, and requires that course content include information "respecting the cultural, linguistic and historical heritage of the Yukon and its aboriginal people". The Act requires that every school administration consult with the local Indian education authority in establishing culturally relevant curriculum. Native elders participate in many school programs, teaching students traditional hunting, gathering, spiritual, political and family practices.

D. Right to secondary education

800. Many communities in the Yukon are too small to support high school programming. In order to ensure access to a high school education, a student residence for up to 32 students and private accommodation in Whitehorse are subsidized by the Department of Education.

801. A number of new alternative programs have been established to accommodate hard-to-reach students. The "Equivalency Education" program for students 15 years and older is designed to ensure basic literacy and life skills to youth who might normally drop out of school. "Raven's Wing" is an alternative education program offered for youth in the young offenders system. "Pass" is an educational program designed to deal with "street kids" and young adolescents who are not attending school. As with all secondary programs, these programs are provided free of charge with transportation and accommodation assistance. Students from rural communities who wish to participate in these alternative programs can receive a living allowance to cover accommodation costs in Whitehorse.

802. Teen mothers and pregnant teens can participate in a new school program in Whitehorse. An on-site day care allows the young mothers to complete their high school education as well as receive education, training and support in parenting, life skills, nutrition, child development, etc.

E. Right to higher education

803. Since the 1985 report, Yukon College has moved into a new facility in Whitehorse. Community campuses exist in 12 communities as well as in the Whitehorse Correctional Centre and Skookum Jim's Friendship Centre. University transfer courses, diploma programs, trades and technology programs, developmental studies and continuing education programs are available on site or through distance education services. On-site day care and family accommodation in the student residence in Whitehorse provide essential support for students with children.

804. The Native Teacher Education Program was introduced in the fall of 1989 at Yukon College. It is a four-year Bachelor of Education program designed to attract persons of native ancestry.

805. Student financial assistance is provided to all students pursuant to the *Student Financial Assistance Act* and regulations. The *Occupational Training Act* and regulations allow for assistance to be awarded in accordance with the individual's family status (i.e. dependent children, single adults, etc.) Transportation costs between the students's home, community, and school location, are also covered by the Yukon Government.

F. Right to fundamental education

806. Yukon College offers literacy courses to people who want to acquire basic language and literacy skills, complete secondary school education or acquire prerequisite skills for entrance into a college program. In co-operation with the Yukon Literacy Council, the College is sponsoring a computer-assisted learning project at the Literacy Council's downtown Whitehorse location. Project Wordpower is another literacy program operated by the Literacy Council and jointly funded by the Department of Education and Canada's Department of Secretary of State.

G. Development of a system of schools

807. The *Education Act* establishes a three-tiered system of local control over schools, and allows residents of defined areas to vote to establish school boards, school councils or school committees. School committees are advisory committees which advise the school administration on any matter relating to the school. The Minister of Education retains the responsibility for the operation and maintenance of any school within Yukon.

808. Section 68 of the *Education Act* guarantees representation of aboriginal people on school boards and councils. Separate school boards or councils for schools established on the basis of religion and language are provided for in section 67(2).

809. Capital planning and expenditures for school facilities and educational materials are projected through a five-year capital planning process which is reviewed and revised annually.

H. Establishment of an adequate fellowship system

810. Scholarships and bursaries are available through the Yukon Government for students attending post-secondary institutions.

I. Improvement of the material conditions of the teaching staff

811. The *Education Act*, the *Teaching Profession Act*, and the agreement between the Yukon Teachers Association and the Yukon Government are designed to contribute to improving the material conditions of the teaching staff.

812. Continuing education and education leave provisions for the teaching staff remain similar to those reported in 1985.

813. New provisions in the *Education Act* provide the opportunity for each school board or council to develop up to 20 percent of its own curriculum. Teachers will have a significant role developing new education programs.

J. Right to choice of school

814. The *Education Act* allows a student to be excused from attendance at a public school if he or she is participating or enrolled in a private school, home schooling or in distance education courses.

815. Measures to promote access to native language and cultural education are a significant feature of the Act.

K. Liberty to establish and direct educational institutions

816. According to the *Education Act*, residents of defined areas are given the right and responsibility to determine the level of control over education in their communities. Private schooling, home and distance education are all permissible provided they meet certain standards and guidelines set out by the minister. Separate, religious and language school systems are also protected in the Act.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress

A. Right to take part in cultural life

Principal laws

817. The *Public Libraries Act* provides the statutory authority for the operation of public library services throughout Yukon and contains provisions for community libraries and community library boards. The *Education Act* also directs school principals to include activities which promote the cultural heritage, traditions and practices of the community members served, where numbers warrant, and requires courses on the cultural, linguistic and historical heritage of the Yukon and its aboriginal people to be included in the curriculum.

818. The *Languages Act*, assented to in 1988, states that: the Yukon accepts that English and French are the official languages of Canada and that measures set out in the Act constitute important steps towards implementation of the equality of status of English and French in the Yukon; the Yukon wishes to extend the recognition of French and the provision of services in French in the Yukon; the Yukon recognizes the significance of aboriginal languages in the Yukon and wishes to take appropriate measures to preserve, develop, and enhance those languages in the Yukon.

819. The *Recreation Act* and the regulations under the *Public Lotteries Act* set out the criteria for government funding of the arts.

Practical measures

820. The Yukon Government supports and promotes culture and cultural activities through various government departments. The Heritage Branch of the Department of Tourism protects and manages the Yukon's heritage resources; it gives support to heritage initiatives of local societies, multicultural and native groups. The Sport, Art and Recreation Branch of the Department of Community and Transportation Services provides funding and advice to individual Yukon artists and to arts and cultural organizations. Public library and archive services are provided through the Department of Education's Library and Archives Branch.

821. The Yukon Arts Funding Program makes funds available to organizations in the performing, visual and literary arts. The Advanced Artist Development Grant assists individual artists with innovative projects, travel or educational pursuits.

822. Museums in the Yukon continue to be operated by private societies. However, a Museums Policy announced in December 1989 formalizes the role of the Yukon Government with respect to museums and describes how museums can receive government support.

823. The Yukon Government has recently awarded a contract for an arts centre to be built on the Yukon College Whitehorse campus.

824. The Artist-in-the-School program and the Writer-in-Residence program bring Canadian authors and artists to the Yukon for a period of time to conduct workshops and provide advice to Yukon writers and artists; the Yukon Archeology Program, which manages the territory's archeological resources, conducts and co-ordinates research and works to increase public awareness of Yukon's prehistoric past; the Yukon Heritage Inventory is a program to identify and record information about historic sites in the territory; and the Heritage Properties Assistance Contribution Program is an incentive program for members of the public who wish to preserve historic sites.

825. The Yukon Geographic Names Board has been established to determine names of Yukon geographic features a responsibility which was previously with the federal government. An emphasis is placed on native (aboriginal) names.

826. The Yukon Council of Archives has been established to bring archivists in the territory together and to take advantage of funding available through the Canadian Council of Archives. A new territorial archives facility at Yukon College is expected to be completed by September 1990.

827. The Yukon Arts Council, a non-profit organization, receives core funding from government and lotteries to act as an advocate for the arts in Yukon and to operate cultural programs.

828. The Yukon Indian Land Claim sub-agreement on heritage resources will involve Yukon First Nations in the management of the territory's heritage resources. (The Umbrella Final Agreement was signed on April 1, 1990 but has yet to be ratified by the territory's First Nation).

829. An innovative development has been the signing of the Fort Selkirk Management Plan. An agreement between the Yukon Territorial Government and a First Nation, the Plan will result in the creation of a "living heritage site" and provides guidelines for future development of the site. The agreement is expected to act as a model for other similar plans.

830. Courses in art history, English literature, theatre and acting are offered through Yukon College. The Yukon Native Language Centre, operating out of the College, offers a certificate program in the Southern Tutchone and Gwich'in native Yukon languages.

B. Right to enjoy the benefits of scientific progress and its applications

831. The Yukon Government supports applied technology and research through such programs as The Business Development Fund. Since the previous report, the Government has provided financial support to the Yukon Science Institute, a non-profit society, to conduct two scientific conferences, open to the public, and three territory-wide science fairs. Also, a Northern Studies Program has been established at Yukon College and a $1 million Northern Research Endowment Fund has been set up. The Fund will make funds available for a wide range of basic and applied research activities.

832. In 1986, the Yukon Government embarked on a planning exercise involving extensive public consultation, called "Yukon 2000". The resulting document, *Yukon Economic Strategy*, recommends the immediate development of a Yukon Science and Technology Strategy which will, among other things, encourage research, especially in areas relevant to the Yukon economy, including the Indian economy, and to the social, cultural and environmental problems of the Yukon; it also provides for the use of traditional Indian knowledge and scientific knowledge.

2. NORTHWEST TERRITORIES

Introduction

833. The Northwest Territories has not yet achieved full provincial status. The Government of the Northwest Territories derives its legislative authority from an act of the federal Parliament - the *Northwest Territories Act*, R.S.C. 1985, c. N-27, which gives the Northwest Territories powers similar in nature to those of a province under section 92 of the *Constitution Act, 1867*, 30 and 31 Victoria, c-3.

834. The trend in recent years, however, has been to devolve more responsibility upon the Government of the Northwest Territories while less control has been exercised by the federal government and its appointed representative in the Northwest Territories, the Commissioner. The initiatives taken by the Government of the Northwest Territories towards the introduction and implementation of economic, social, and cultural programs which support this covenant show the development of a responsible, representative government which fully endorses human rights.

Article 10: Protection of the family, mothers and children

A. Protection of the family

835. The *Domestic Relations Act*, R.S.N.W.T. 1974, c. D-9, governs the relationship between the parties to a marriage when one spouse chooses not to recognize his or her matrimonial obligations. Issues such as judicial separation, alimony, maintenance, and guardianship of the children are provided for.

836. The *Dependants Relief Act*, R.S.N.W.T. 1974, c. D-4, provides assistance to the common law spouse of a deceased person and all the children of the deceased who are under 19 years of age or other dependants.

837. The *Infants Act*, R.S.N.W.T. 1974, c. I-1, allows the guardians or next of kin of minors of deceased parents to use the estates granted to minors to provide for their well-being, schooling, etc., until they reach the age of majority.

Right to enter into marriage freely

838. The *Marriage Act*, R.S.N.W.T. 1974, c. M-5, deals with the solemnization of marriage and provides for two types of marriages — a civil marriage performed by a marriage commissioner, and a religious marriage performed by a clergyman. A minimum age (19) has been set below which a marriage licence will not be issued without parental consent. Registration of marriages is compulsory in the Northwest Territories.

Measures to facilitate the establishment of a family

839. The *Northwest Territories Housing Corporation Act*, R.S.N.W.T. 1974, c. N-1, provides for housing for social assistance families as explained below under the section on the right to housing.

Measures to maintain, strengthen and protect the family

840. In the Five-Year Action Plan for Women, the Government of the Northwest Territories committed itself to developing a policy and funding proposal on child care in the Northwest Territories to address the need for day-care in each community and the role of the Government in meeting this need through the provision of facilities, operating subsidies, qualified workers and the development of child care standards. The Government has also committed itself to develop a child care workers program through Thebaca College for field delivery. These proposals have been implemented. They address the urgent need for accessible, quality child care in the Northwest Territories for working parents (particularly women).

841. The Government has assisted in the development of child care facilities across the Northwest Territories. Also, as a participant in the *Canada Assistance Plan* program, the Government offers day-care subsidies to northern residents.

B. Maternity protection

Pre-natal and post-natal protection and assistance

842. The *Territorial Hospital Insurance Services Act*, R.S.N.W.T. 1974, c. T-4, ensures that all residents are entitled to insured medical services and an adequate standard of care. Complete maternity care, and related costs, are provided for.

843. Within the framework of the Five-Year Federal-Provincial Plan on Nutrition in Health Promotion for Pregnant Women, developed in June 1983, an action was initiated in 1984 to develop nutrition guidelines specific to the Northwest Territories, including: identifying and priorizing the major nutrition-related diseases and conditions in the Northwest Territories; identifying high-risk groups; identifying the food habits and practices of the Northwest Territories' population; assessing current education programs; and assessing cultural perceptions of nutrition.

Maternity leave

844. Maternity leave is provided for under Part IV.1 of the *Labour Standards Act*, R.S.N.W.T. 1974, c. L-1. An employee is entitled to maternity leave if she has been employed by an employer for a period prescribed by regulation and submits to the employer a written request for maternity leave at least four weeks before the day on which she intends to commence the leave, and, if so requested by the employer, provides a medical certificate stating that she is pregnant and giving the estimated date of delivery.

845. An employee who does not apply for leave, and is otherwise entitled to maternity leave, may be granted leave where, due to a medical condition arising from her pregnancy, the employee is unable to give the required notice.

846. Maternity leave is unpaid, but normally the employee would be entitled to pregnancy benefits under the *Unemployment Insurance Act*, R.S.C. 1985, c. U-1.

Assistance to mothers to maintain their children in the case of their husbands' death or absence

847. The *Workers' Compensation Act*, S.N.W.T. 1977(1), c. 7, provides for compensation to the dependants of a parent whose death, through no fault of his or her own, occurred at the workplace. See, too, the *Fatal Accidents Act*, and the *Social Assistance Act*, below.

C. Protection of children and young persons

Special measures for the care and education of children separated from their mothers or deprived of a family; disabled children; and delinquent minors

848. The *Fatal Accidents Act*, R.S.N.W.T. 1974, c. F-3, provides for compensation in the form of damages to the dependants of a parent whose death was wrongfully caused.

849. The *Young Offenders Act*, S.N.W.T. 1984(1), c. 2. This legislation is complementary to the *Young Offenders Act*, S.C. 1980-81-82-83, c. 110, and is designed to carry out provisions of the Act which affect the Northwest Territories. Procedures for dealing with offenses committed by young persons against territorial laws, regulations, and municipal by-laws are provided for.

850. The *Infants Act*, R.S.N.W.T. 1974, c. I-1, outlines the guidelines which are to be followed by the guardian in the handling of the estates of a minor so that the interests of such a minor are protected.

851. See also, the *Dependants Relief Act* and the *Workers' Compensation Act* above.

Measures taken to protect children and young persons against exploitation, neglect, or cruelty

852. The *Child Welfare Act*, R.S.N.W.T. 1974, c. C-3, deals with the protection of children in the Northwest Territories. Areas considered include: the guidelines for adoption procedures, the criteria for establishing which children are deemed to be in need of care, and the steps to be taken in assisting children who have been physically or sexually abused.

Provisions governing work by children and young persons

853. The *Labour Standards Act*, R.S.N.W.T. 1974, c. L-1, governs all basic labour practices and procedures — e.g. hours of work, vacation time, holidays, etc. Also, it provides for only one minimum wage in the Northwest Territories, so that there is no distinction based on age in this jurisdiction.

Measures taken to prevent harmful employment of children and young persons

854. The *Mining Safety Act*, R.S.N.W.T. 1974, c. M-13, provides for the safe operations of all mines in the Northwest Territories. Age restrictions (16 for general work, 18 if the work is underground) have been put in place due to the hazardous nature of employment in the mining industry.

Article 11: Right to an adequate standard of living

A. General and specific measures taken to achieve an adequate standard of living and a continuous improvement of living conditions of people

855. The *Social Assistance Act*, R.S.N.W.T. 1974, c. S-9, creates the position of Director of Social Assistance, whose responsibilities include the providing of assistance to residents in need in the Northwest Territories. The Social Assistance Board, which operates under the Director, establishes guidelines on eligibility, the amount of social assistance, and the appeal procedures from its decisions. Assistance may take various forms - e.g. food, clothing, shelter, or fuel, but its underlying aim is to provide for a basic standard of living for people who otherwise would not be able to do so.

856. The *Exemptions Act*, R.S.N.W.T. 1974, c. E-5, provides protection to debtors in that it exempts certain household items and articles from seizure by creditors so that a basic standard of living can be maintained. Household furniture, necessary clothing, the house itself, and various tools needed to provide a living are examples of items exempt from seizure.

857. Various other pieces of legislation, including the *Domestic Relations Act*, the *Fatal Accidents Act*, the *Dependants Relief Act*, the *Criminal Injuries Compensation Act*, and the *Workers' Compensation Act* all deal, in part, with providing a basic standard of living for various sectors of the population of the Territories.

858. The basic philosophy of the Department of Social Services concerning the delivery of social services is stated as follows:

> The mandate of the Minister and the Department of Social Services is to provide services to individuals, families and communities, according to their needs, which promote healthy life styles and spiritual soundness, protect social well being, and further develop independence.

B. Right to adequate food

859. The *Freshwater Fish Marketing Act*, R.S.N.W.T. 1974, c. F-9, is complementary to the federal *Freshwater Fish Marketing Act*, R.S.C. 1985, c. F-13, in that it creates a corporation to control the trading and marketing of fish within the Northwest Territories.

860. There is a very limited agricultural sector in the Territories, due basically to the cooler climate and rockier soil composition as compared to the provinces of southern Canada. As a result, there is no department of agriculture within the Government of the Territories.

861. The supply of wild game, which is managed and regulated by the Department of Renewable Resources, is still a very important source of food within the Territories. The hunting and trapping of this wild game provide part of the food supply for many aboriginal peoples, especially in the smaller, more isolated communities, and without this ability, many would have a difficult time feeding their families.

862. The primary measure within the Territories to ensure that all residents have an adequate food supply is the provision of social assistance benefits to those in need, under the *Social Assistance Act*.

863. Also, the Department of Health sponsors a variety of nutrition programs.

C. Right to adequate clothing

864. The *Social Assistance Act* is the major source for the providing of social assistance. Clothing, among other things, is one area in which assistance is provided for.

D. Right to adequate housing

865. The *Northwest Territories Housing Corporation Act*, R.S.N.W.T. 1974, establishes the Northwest Territories Housing Corporation. This corporation administers housing for those in need, including senior citizens, social assistance families, and individuals requiring minimal nursing care. Other responsibilities and functions include the holding, leasing, and developing of property, the administering of co-op and non-profit housing, and the developing of neighbourhood improvement projects. See, too, the *Social Assistance Act*.

866. The *Co-operative Associations Act*, R.S.N.W.T. 1974, c. C-15, allows any five or more people to associate themselves together as a co-operative association for the purpose of conducting and carrying on a co-operative undertaking, business or industry. This Act has facilitated the creation of housing co-operatives in the Territories.

867. Under the *Senior Citizens and Disabled Persons Property Tax Relief Act*, S.N.W.T. 1989(2), c. 22, a person who has attained the age of 65 or who is disabled can receive tax exemptions in respect of the land he/she owns and on which he/she resides. The exemption can be up to 50 percent of taxes owed to a municipal taxing authority and up to 100 percent on taxes in general taxation areas.

Measures taken to solve special problems of housing, water supply, and sanitary conditions in rural areas

868. Provision for these matters are made in the *Cities, Towns, and Villages Act*, S.N.W.T. 1987(1), c. 14.

Protection of tenants

869. The *Residential Tenancies Act* S.N.W.T. 1987(1) c. 28, provides for the rights and obligations of landlords and tenants with respect to residential tenancies and outlines procedures for enforcement.

Article 12: Right to physical and mental health

Principal laws

870. The *Mental Health Act*, S.N.W.T. 1985(2), c. 6, provides a legal framework for the voluntary and involuntary committal of mentally disabled persons and safeguards the civil rights of these persons.

871. The *Territorial Hospital Insurance Services Act*, R.S.N.W.T. 1974, c. T-4, provides for the general promotion and preservation of the health of the residents of the Northwest Territories.

872. The *Criminal Injuries Compensation Act*, R.S.N.W.T. 1974, c. C-23, allows for a claim of damages as compensation for an injury suffered by a victim as a result of another person committing certain types of criminal offenses. This compensation is for the continued physical and mental well-being of the victim or his or her dependants.

Measures to reduce infant mortality

873. The Maternal and Infant Health Program is an important priority to the Department of Health. All pre-natal patients are encouraged to seek assessment in the early stages of pregnancy for risk identification and follow-up. Pre-natal teaching is generally provided on a one-to-one basis.

874. Regarding infant health, a major emphasis is placed on well-baby clinics (with immunization constituting a major component of these clinics). Another important aspect of the infant health program is the identification of infants considered to be "at risk". These infants are followed-up regularly, and parental counselling is provided on a one-to-one basis.

Measures taken for the healthy development of children

875. The pre-school health program emphasizes immunization and counselling with regular follow-up being provided for those pre-schoolers included in the "at risk" category. Physical examinations are carried out for all pre-school children in preparation for their initial entry into the school system.

876. Due to the vast geographical size of the Northwest Territories, the school health program varies from community to community. The nurses in the Territories, however, attempt to act as resource persons to the schools in order to provide a basic overall scheme for health care and information.

Environmental and industrial hygiene

877. Environmental Health Officers are strategically placed throughout the Territories. One major thrust of the Environmental Health Program is that there should be a great deal of co-operation between all agencies and individuals carrying out services which have an impact on public health, and education among these individuals and agencies in the proper practices which ensure reduced hazards to the public.

878. Although the water-monitoring program in the Territories is tailored to the Canadian Drinking Water Guidelines, 1978, transportation and shipping difficulties have created problems in meeting the sampling frequency recommended for bacteriological analysis. In an effort to combat this situation, each of the administrative zones has been equipped with testing equipment.

879. The Pollution Control Division of the Department of Renewable Resources attempts to maintain high standards of environmental quality. Spill containment and clean-up courses are

conducted to provide government personnel, fire chiefs, and other civic officials with the knowledge required to respond to spills in their communities.

Schemes and programs to prevent, treat and control epidemics and other diseases

880. The *Public Health Act*, R.S.N.W.T. 1974, c. P-10, governs the general promotion and preservation of the health of the residents of the Northwest Territories. The *Emergency Medical Aid Act*, S.N.W.T. 1976(1), c. 3, deals specifically with epidemics and other emergency outbreaks of contagious diseases.

881. The *Boilers and Pressure Vessels Act*, R.S.N.W.T. 1974, c. B-2, regulates the fabrication, installation, operation and inspection of boilers and pressure vessels with a view to ensure their safety. The Act provides for penalties in case of violations of its provisions.

Health services

882. The Department of Health attempts to reach all areas of the Territories through its Community Nursing Program and through a program of physician recruitment. Residents of the Territories often must travel long distances at considerable personal cost to receive hospital and medical services. In order that these costs will not deter people from getting the medical care they require, the Department of health provides medical travel benefits to people who do not have access to similar benefits from any other source.

The provision of medical care and its financing

883. The Medical Care Plan provides payment for insured services at 100 percent of the approved fee schedule of the territory or the province where the service is provided. The Plan covers all medically required services rendered by physicians in the office, clinic, hospital, and home, as well as certain surgical-dental procedures medically required to be performed in a hospital. Surgical procedures, anaesthetic services and complete maternity care are also provided.

884. The Hospital Insurance Plan provides coverage for a broad range of medically necessary in-patient and out-patient services. Five health facilities are funded under this plan, which provides for nursing, home care, chronic care, acute care and detoxification services. Residents unable to be treated in the Territories are referred to major treatment facilities in southern Canada.

885. The extended medical benefits program assists eligible residents with costs related to investigation, treatment, maintenance and/or rehabilitation of certain long-term chronic disease conditions.

Article 13: Right to education

Compulsory and free public education

886. By virtue of s. 96 of the *Education Act*, S.N.W.T. 1976(3), c. 2, every child between the ages of six and fifteen, who is resident in an education district in which a school is operating, must attend school during the academic year unless he or she falls under one of the

exemptions provided for in s. 96(3). It is the duty of every parent to cause a child to attend school during the academic year, and breach of this duty is an offence.

887. The Department of Education has trained school/community counsellors to work in their home communities with the aim of improving the school attendance.

888. Education is provided free for any child whose parent or guardian is a resident of the Territories.

Secondary education including technical and vocational education

889. Basic secondary education is provided free on the same terms as primary education.

890. Section 75 of the *Education Act* provides that: the Minister of Education in co-operation with the superintendents, the local education authorities, the divisional boards of education and the boards of secondary education, shall establish, when feasible, vocational courses to meet the needs from time to time of the residents of the Territories.

891. Any person who is 17 years of age or over and has been resident in the Northwest Territories for at least two years is eligible to make application for admission to an adult or vocational program.

892. The Minister may establish a tuition fee for any vocational education program except one designed to establish basic literacy for the participants. A scale of allowances for vocational students is prescribed by regulation.

893. Training for trades is regulated under the *Apprentices and Tradesmen Act*, S.N.W.T. 1982(3), c. 1. A joint study by the federal and territorial governments on apprenticeship in the Northwest Territories was completed in 1987. The results confirmed that, as a skill development program, apprenticeship meets the needs of the Territories labour market.

Higher education

894. Arctic College is established by the *Arctic College Act*, S.N.W.T. 1986(2), c. 1, for the purposes of delivering adult and post-secondary education in the Northwest Territories. Although there is no university in the Territories, Arctic College offers a first-year general arts university program.

895. Financial assistance for qualified students attending approved post-secondary institutions is provided by authority of the *Student Financial Assistance Act*, S.N.W.T. 1982(2), c. 5.

Fundamental education for those who have not received the whole of their primary education

896. It is the policy of the Department of Education to provide, through Arctic College, basic literacy programs. Those programs, in English, French, and indigenous languages, are designed to provide adults with skills in learning, reading, writing, listening, speaking and mathematics.

Development of a system of schools, etc.

897. The Establishment Policy of the Department of Education requires the Minister of Education to adhere to, *inter alia*, the following principles:

- Education is a life-long process and all residents of the Northwest Territories should have access to formal and informal education and training opportunities throughout their lives.
- Education and training opportunities will be provided for all people by a community-based school and continuing education system which should receive guidance from local representatives.
- Education and training programs should be responsive to locally identified needs and priorities, and recognize and respect the cultural heritage and diversity of all residents, as well as the language and learning styles of individual students.
- Standards for education programs and student achievement should be consistent across the Northwest Territories, and comparable to the standards established in Canadian provinces.
- Training programs should be developed in response to the needs of business, government, the community, and the individual, and should be delivered in innovative ways and incorporate nationally acceptable standards of learning.
- Training programs should be designed to increase the social/economic independence of students.

Improvement of the material conditions of teaching staff

898. The *Teachers' Association Act*, S.N.W.T. 1976(3), c. 3, establishes the Northwest Territories Teachers' Association. The objects of the Association are:

(*a*) to promote and advance the cause of education, particularly in the Territories;

(*b*) to promote high ethical standards in the teaching profession;

(*c*) to promote the continuing education, training, skill and proficiency of its members;

(*d*) to encourage the entry of residents of the Territories into the teaching profession;

(*e*) to advise, assist, govern, and discipline its members;

(*f*) to unite into collective bargaining negotiations for the purpose of concluding collective agreements with the employers of its members.

Liberty of parents to choose schools other than public schools

899. Section 96 of the *Education Act* provides that a child is not required to attend public school if he or she is attending a private school approved by the Minister.

900. The Establishment Policy of the Department of Education recognizes that education and training programs should be responsible to locally identified needs and priorities, and recognize and respect the cultural heritage and diversity of all residents.

Liberty of individuals to establish and direct education institutions

901. Under ss. 80 and 81 of the *Education Act*, persons may operate private schools, subject to the authorization of the Minister of Education, and reporting and inspection requirements.

902. The Department of Education's policy on Continuing Education provides that the certificates that private training institutions award to students will be recognized where the institution is licensed and meets the standards set by the Minister.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress

903. The Establishment Policy of the Northwest Territories Department of Culture and Communications requires the Minister to adhere to the following principles:

1. The preservation, development and revitalization of aboriginal languages in the Northwest Territories is vital to cultural enhancement, as is the provision of multilingual services.
2. Support for cultural and artistic endeavours encourages the preservation and promotion of cultural diversity and lifestyles in the Northwest Territories.
3. Professional museum and heritage programs assist people to protect and interpret their own history and preserve and strengthen their traditional knowledge and culture.
4. Public library services should be made available to people in the Northwest Territories regardless of economic circumstances, language, age, disability or place of residence; libraries should have material and programs reflecting community needs.
5. The public should have reasonable access to information on government programs, services and activities and to legal/legislative material required by law.
6. Radio and television broadcasting services, including native language programming, should be available to Northwest Territories residents.

904. As required by the *Library Act*, the Northwest Territories has established a system of free public libraries. It is the statutory duty of the Director of Public Library Services to encourage the use of libraries and their services throughout the Territories.

905. The *Historical Resources Act*, R.S.N.W.T. 1974, c. H-2, empowers the Commissioner, subject to the appropriation of funds by the Legislative Assembly for these purposes, to:

(*a*) establish museums;

(*b*) by means of plaques or other signs or in any other suitable manner, mark or otherwise commemorate places and sites of prehistoric or historic significance to the Territories;

(*c*) enter into agreements with any person, the government of a province or the Government of Canada respecting the establishment of museums or for marking or commemorating historic places pursuant to this Act and for the care and preservation of museums and any places so marked or commemorated;

(*d*) acquire for the beneficial use of the Territories any historic place or lands for museums or any interest therein by purchase, lease, gift or otherwise;

(*e*) acquire by gift, donation, bequest, loan or purchase any object, relic, artifact, model, painting, document, book, paper, record, map, drawing or other thing of historic, artistic, cultural, economic, social or archaeological value or importance;

(*f*) provide for the administration, preservation and maintenance of any historic place acquired or museum established pursuant to this Act.

906. The Government has also established the Northwest Territories Archives, for the preservation of public records, under the *Archives Act*, S.N.W.T. 1981 (3), c. 2.

907. The Science Advisory Board, whose functions and duties were mentioned in the first report on articles 13-15, was renamed the Science Institute of the Northwest Territories following amendments brought in 1984 to the original legislation. The amended legislation provides that the Science Institute may enter into agreements with the Government of the Northwest Territories or any other government or other body, as well as receive grants, contributions and donations, to carry out its purpose and provisions.

ANNEX: Text of the Covenant

International Covenant on Economic, Social and Cultural Rights

PREAMBLE

The States Parties to this Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their on ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent then is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or

custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.

Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State

and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

   (a) To take part in cultural life;

   (b) To enjoy the benefits of scientific progress and its applications;

   (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.

PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. *(a)* All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant.

   (b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.

Article 17

1. The States Parties to the present Covenant shall furnish their reports in stages, in accordance with a programme to be established by the Economic and Social Council within one year of the entry into force of the present Covenant after consultation with the States Parties and the specialized agencies concerned.

2. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Covenant.

3. Where relevant information has previously been furnished to the United Nations or to any specialized agency by any State Party to the present Covenant, it will not be necessary to reproduce that information, but a precise reference to the information so furnished will suffice.

Article 18

Pursuant to its responsibilities under the Charter of the United Nations in the field of human rights and fundamental freedoms, the Economic and Social Council may make arrangements with the specialized agencies in respect of their reporting to it on the progress made in achieving the observance of the provisions of the present Covenant falling within the scope of their activities. These reports may include particulars of decisions and recommendations on such implementation adopted by their competent organs.

Article 19

The Economic and Social Council may transmit to the Commission on Human Rights for study and general recommendations or, as appropriate, for information the reports concerning human rights submitted by States in accordance with articles 16 and 17, and those concerning human rights submitted by the specialized agencies in accordance with article 18.

Article 20

The States Parties to the present Covenant and the specialized agencies concerned may submit comments to the Economic and Social Council on any general recommendation under article 19 or reference to such general recommendation in any report of the Commission on Human Rights or any documentation referred to therein.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States Parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 21

The Economic and Social Council may submit from time to time to the General Assembly reports with recommendations of a general nature and a summary of the information received from the States parties to the present Covenant and the specialized agencies on the measures taken and the progress made in achieving general observance of the rights recognized in the present Covenant.

Article 22

The Economic and Social Council may bring to the attention of other organs of the United Nations, their subsidiary organs and specialized agencies concerned with furnishing technical assistance any matters arising out of the reports referred to in this part of the present Covenant which may assist such bodies in deciding, each within its field of competence, on the advisability of international measures likely to contribute to the effective progressive implementation of the present Covenant.

Article 23

The States Parties to the present Covenant agree that international action for the achievement of the rights recognized in the present Covenant includes such methods as the conclusion of conventions, the adoption of recommendations, the furnishing of technical assistance and the holding of regional meetings and technical meetings for the purpose of consultation and study organized in conjunction with the Governments concerned.

Article 24

Nothing in the present Covenant shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Covenant.

Article 25

Nothing in the present Covenant shall be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.

PART V

Article 26

1. The present Covenant is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the present Covenant.

2. The present Covenant is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. The present Covenant shall be open to accession by any State referred to in paragraph 1 of this article.

4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

5. The Secretary-General of the United Nations shall inform all States which have signed the present Covenant or acceded to it of the deposit of each instrument of ratification or accession.

Article 27

1. The present Covenant shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification or instrument of accession.

2. For each State ratifying the present Covenant or acceding to it after the deposit of the thirty-fifth instrument of ratification or instrument of accession, the present Covenant shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 28

The provisions of the present Covenant shall extend to all parts of federal States without any limitations or exceptions.

Article 29

1. Any State Party to the present Covenant may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Covenant with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Covenant in accordance with their respective constitutional processes.

3. When amendments come into force they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of the present Covenant and any earlier amendment which they have accepted.

Article 30

Irrespective of the notifications made under article 26, paragraph 5, the Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of the same article of the following particulars:

(a) Signatures, ratifications and accessions under article 26;

(b) The date of the entry into force of the present Covenant under article 27 and the date of the entry into force of any amendments under article 29.

Article 31

1. The present Covenant, of which the Chinese, English, French, Russian and Spanish texts equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of the present Covenant to all States referred to in article 26.